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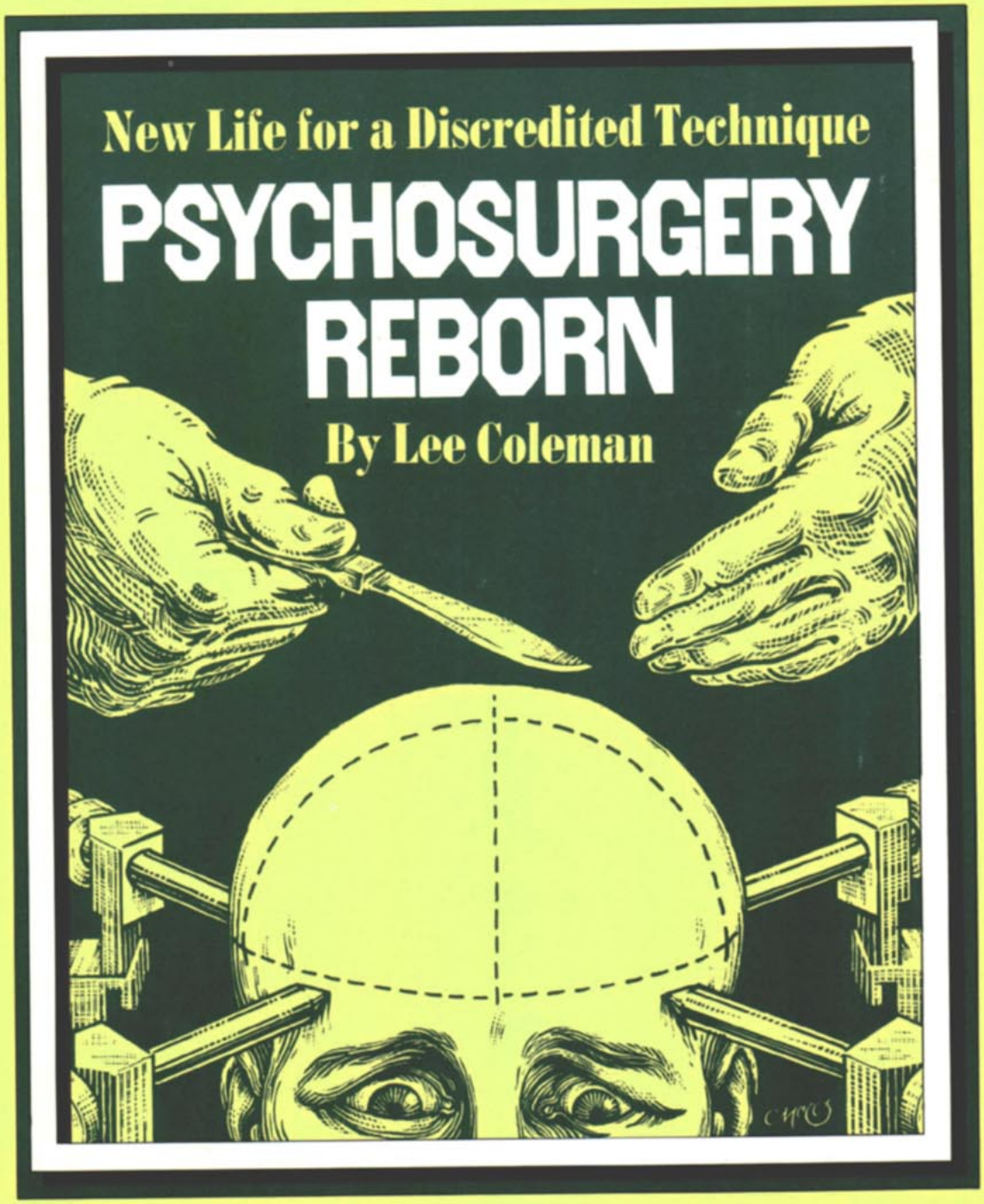
Thomas Szasz *on the Real Jim Jones*

The DEA's Campaign against Marijuana



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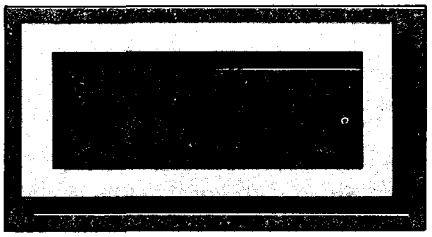

He's got a point

■ Drill Sgt. Willie Alexander was fined $2,672, busted to private and given a six-month prison term yesterday by a military jury that convicted him of causing the heat-stroke death of an Army recruit on his first day of basic training. . . .

"There are some things you have to do to people in basic training that the public would frown on," Alexander said. "That's probably why more people don't join the Army."

—*Honolulu Star-Advertiser, Dec. 11, 1978*

Cleveland will be happy to hear this

■ While most everyone else in the [California] Capitol is talking about reducing spending, leaders of the state's arts community rallied here [Sacramento] yesterday to sing and shout out for a 1500 percent increase in government support for the arts. . . .

. . . Speakers dwelled on the theme that art is a crucial ingredient in society and a significant element of the economy, and therefore art programs should not be considered frills by government officials. "The great societies of this world are not known for their garbage collection," said Sacramento Mayor Phil Isenberg.

—*San Francisco Chronicle, Dec. 6, 1978*

The things they blame Howard Jarvis for these days

■ Noting that the "taxpayers revolt" was cutting heavily into health clinic funds in some states, federal health officials warned Wednesday that there has been a steady rise in recent months in the number of gonorrhea and syphilis cases.

—*Los Angeles Times, Dec. 14, 1978*

We get it: We sell them Coca-Cola, and in exchange they don't sell us cotton goods

■ To placate American textile producers, the Carter Administration has opened talks with China to get it to limit its growing exports of cotton goods to this country.

—*New York Times, Dec. 7, 1978*

Our favorite is Harold Geneen

■ Irv [Irving Shapiro, chairman of Du Pont] and I probably know every Fortune 500 Chairman between us, and I know of no group more interested in morality, workers or consumers than they are.

—JOHN DEBUTTS, *chairman of A.T.&T., quoted in the New York Times, Dec. 24, 1978*

Travel news

■ More than one-third of the eligible senators and at least 59 House members have made overseas trips at taxpayers' expense since Congress adjourned in mid-October, State Department and Congressional records show. . . .

The cost of the trips is not known. However, members of Congress are permitted expenses of up to $75 a day, plus air fare and taxicab costs.

—*New York Times, Dec. 11, 1978*

Who says we don't ever print good news?

■ About 1,300 pounds of Colombian marijuana being held as evidence in Federal drug prosecutions was stolen in a break-in at a Brooklyn warehouse Monday night, Drug Enforcement Administration officials said yesterday.

—*New York Times, Dec. 8, 1978*

Say it ain't so, Chou

■ According to the Kyodo news agency, there are plans afoot by Japanese trading companies to sell golf clubs to China and to help the Chinese build a golf course near the Ming tombs outside Peking and close to the Great Wall.

—*New York Times, Dec. 11, 1978*

That's funny, it didn't bother the CIA

■ In drug-crazed America, the name [of Yves Saint Laurent's new perfume, Opium] caused convulsions among the executives of E.R. Squibb & Sons, Inc., an old and conservative drug company that owns Charles of the Ritz, the distributor of YSL fragrances. . . .

Richard Furlaud, Squibb's chairman of the board, was shocked. "A pharmaceutical company is not likely to have a perfume called Opium with a French advertising agency called Mafia," he explained. "It creates a spectacular opportunity to be misunderstood."

—*New Times, Jan. 8, 1979*

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Advertising's subversive effects

Medical cartel

THE FEDERAL TRADE COMMISSION has recently decided to extend to physicians a ruling, previously applied to lawyers, engineers, and druggists, that prohibits the American Medical Association from preventing its members from advertising. The AMA is, naturally, furious. Since its successes at the beginning of the century in establishing the medical profession as a government-protected monopoly, the AMA, through its code of ethics, has prohibited its membership from soliciting and advertising. This ban was incorporated into its professional code, ostensibly because those practices encouraged quackery and smacked of "unprofessionalism." The real objection was that they increased competition, especially price competition, among doctors.

This particular restraint on competition in the provision of medical care—there are a host of others—has certainly contributed to the swollen incomes of American physicians today. The AMA, through its constituent local societies, is able to enforce its professional code by taking disciplinary action, including suspension, against violators. And suspension from a local medical society makes it extremely difficult for a physician to continue in practice.

Indeed, the profession possesses an even more potent weapon to insure compliance: Since most state licensing laws provide for the suspension of a physician's license in cases of "unprofessional" conduct, and inasmuch as state medical boards are composed of physicians who are themselves sympathetic to the goals of organized medicine, the ultimate penalty for noncompliance with the AMA's code can be revocation of a violator's license.

The AMA's power to regulate the behavior of recalcitrant members coupled with its history of political activity to ensure its membership the bloated incomes derived from medicine's status as a protected profession, underscore the hypocrisy of comments like those of Newton N. Minow, currently counsel to the AMA. In a brief filed with the FTC, Minow complained that "for the first time in its history, the commission has sought to assert jurisdiction over a non-profit professional organization with a 130-year history of serving the public." Now anyone acquainted with the history of the AMA is aware that its goal has not been to serve the public, but to serve the interests of the medical profession. And, whether or not the organization has profited from this, it is beyond dispute that its members have indeed profited: Today the median net income of nonsalaried doctors is over $63,000 per year, and increasing at a substantial rate.

The AMA's comment that the decision is "wasteful, ill-considered, and not in the interests of American patients," has about as much merit as the complaint of some airlines that allowing competition on routes and prices in domestic air transport is not in the interests of American air passengers. If, as a consequence of the FTC decision, physicians come to feel obliged—in return for their sizable fees—to see their patients on time, it will save the country millions of hours wasted in doctors' waiting rooms and do wonders for patient-physician relations. What seems far more likely to happen is that the fees of some physicians—under the pressure of competition—will drop, or at least decelerate their rapid rate of increase. By removing this longstanding restriction on competition, the FTC has done what should have been done sixty years ago.

A step toward military alliance?

Recognizing China

WE ARE RECOGNIZING SIMPLE reality," Jimmy Carter said in December when he announced the establishment of full diplomatic relations between the United States and the People's Republic of China. If Harry Truman or Dwight Eisenhower had said those words, they would have rung true; in 1949 or 1954 sending an ambassador to Peking would have been simply a matter of recognizing the inescapable fact that the Communists controlled China. But today, after nearly 30 years of hostility between the United States and China, after a concerted American drive to turn Taiwan into a military bulwark against the Communists and an industrial showplace, after the once-close friendship between the Communist parties of China and the Soviet Union has turned to bitter enmity, an action that would have once been a matter of "recognizing simple reality" looks more like what Carter denies it is: a step taken for "transient tactical or expedient reasons." When political leaders see what is before their eyes, that's realism; when they suddenly see what has been there for 30 years, something's up.

What's up in this case is that the Carter administration has decided that a closer relationship with China will give the United States increased leverage against the Soviet Union. Although Carter and his advisers have been careful to deny that normalization is in any way a move directed at the Soviets, the joint communiqué that announced the action included a clause condemning efforts by other powers to establish hegemony in any region of the world. This is the standard Chinese locution for anti-Sovietism. The

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communiqué also said that resumption of relations was not directed at any third party. The Soviets, however, not fooled by this camouflage, took the antihegemony clause to be the operative one. Soviet Premier Leonid Brezhnev, writing to Carter several days after the announcement, expressed concern—in a letter misrepresented by the President in public statements—about this anti-Soviet language, and said that the Russians would watch closely the development of Sino-American relations.

So must we all. The normalization of relations is a signal that the leaders of the United States and China are ready to push toward closer ties than have existed since Richard Nixon de facto recognized China in 1972. One part of this closer relationship will certainly be economic. Every day the newspapers are full of announcements of new agreements between the Chinese government and American corporations, as Americans rush to stake a claim to part of the action in China's drive to industrialize. More important, however, is the question of whether the United States will enter into military agreements with China. This is what policymakers mean when they speak of "playing the China card," and it will be this part of the Sino-American relationship that will have the greater influence upon world tensions. Although the Soviets don't like the prospect of an industrialized China, they most fear the possibility of a military alliance, formal or informal, between China and the West.

It is still unclear whether the Carter administration is preparing to move in this direction. The possibility of military ties has been implicit ever since Henry Kissinger first went to Peking in 1971. Reportedly, Kissinger carried with him satellite reconnaissance photographs of Soviet military installations and forces as a sign of American interest in opening closer relations, and according to informed observers, the United States has probably continued to share military intelligence with the Chinese in the years since.

In 1977 the administration rejected a proposal that the United States sell military-related technology to China, but last spring, on the eve of Zbigniew Brzezinski's trip to Peking, Carter reversed the policy and decided to sell to the Chinese technology that has potential military applications. (It is probably no coincidence that Brzezinski's trip broke the logjam that had dammed up the process of normalization.) Carter also dropped the policy of selling to China only technology that could also be sold to the Soviets. Thus, this summer, while the administration blocked the sale to the Soviets of an advanced computer, as punishment for human rights violations, the United States was selling similar machines to Peking [*INQUIRY*, Sept. 18, 1978]. The administration also has shown no sign that it will try to stop Western European nations from selling advanced arms to China.

The key issue, of course, is whether the United States will itself sell arms to China or enter into military agreements. Thus far the policy of the Carter administration is that it will not. We hope this policy does not change. The possibility for peace in the world depends upon continued efforts to end the confrontation between the United States and the Soviet Union, and any major move by the United States to enlist China in an anti-Soviet military coalition would surely destroy détente. Indeed, this is what the Chinese are hoping for. It would be tragic if Carter allows the normalization of relations with China—long desired by many Americans as a way of reducing world tensions—to become a signal for a new round of the Cold War. ❑

An update on the CETA scandal:

Whitewash

IN THE AUGUST 21 ISSUE OF INQUIRY, we reported that top Labor Department administrators and several elected officials—notably Representative Phillip Burton (D.-Calif.)—conspired to use the CETA job training program illegally to promote the efforts of a construction union, the Operating Engineers, to organize the Pacific trust territory of Guam. The article, entitled "Locking up Guam for Local 3," by Bill Keller, charged that the Labor Department awarded a $450,000 contract for job training on the island to the Operating Engineers in disregard of federal regulations and in violation of the law.

And now for a progress report:

First, you will be interested to know that the Labor Department has awarded a salary increase for outstanding performance to Royce Hulsey and Jess Ramos, two of the principal conspirators named in the *INQUIRY* article. Ramos, meanwhile, has been selected to head up Labor's new office of investigation, which has responsibility for internal investigation and compliance with federal regulations at the regional level. As one insider observed, "There has never been a better example of appointing the fox to guard the chicken coop."

Under these circumstances, no one should be surprised to learn that the internal investigation, launched in March 1978, has been stonewalled, and in 10 months has failed to turn up one shred of evidence. Most recently, the Labor Department awarded another $500,000 contract to the Operating Engineers under very questionable circumstances.

However, if the Labor Department investigation has been slow, the union appears to be doing just fine with its investigation. On December 4, 1978, James Earp, public relations officer for the Operating Engineers, wrote a letter to the Labor Department. Citing the Freedom of Information Act, he requested all memos, notes, letters, proposals, and other documents about Keller, who had been associated with a private consulting firm that had worked with the department. According to the source, the engineers' union has made five such requests since the *INQUIRY* story appeared last August. Meanwhile, private investigators have been poking around San Francisco—none too discreetly—asking questions and compiling information about a certain *INQUIRY* reporter.

But don't despair. In Washington, Senators Orrin Hatch (R.-Utah) and Jesse Helms (R.-N.C.) have initiated a GAO investigation, citing "justifiable doubts as to whether the Department of Labor is capable of conducting an impartial investigation of the allegations that have been brought to our attention." On the Senate floor, Hatch characterized the Guam affair as "one of the most scandalous episodes in the history of the Labor Department." We have to agree, although the competition is admittedly stiff. We can only hope that the Senate GAO investigation will be a bit more illuminating than the Labor Department's whitewash. ❑

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THOMAS SZASZ

The freedom abusers

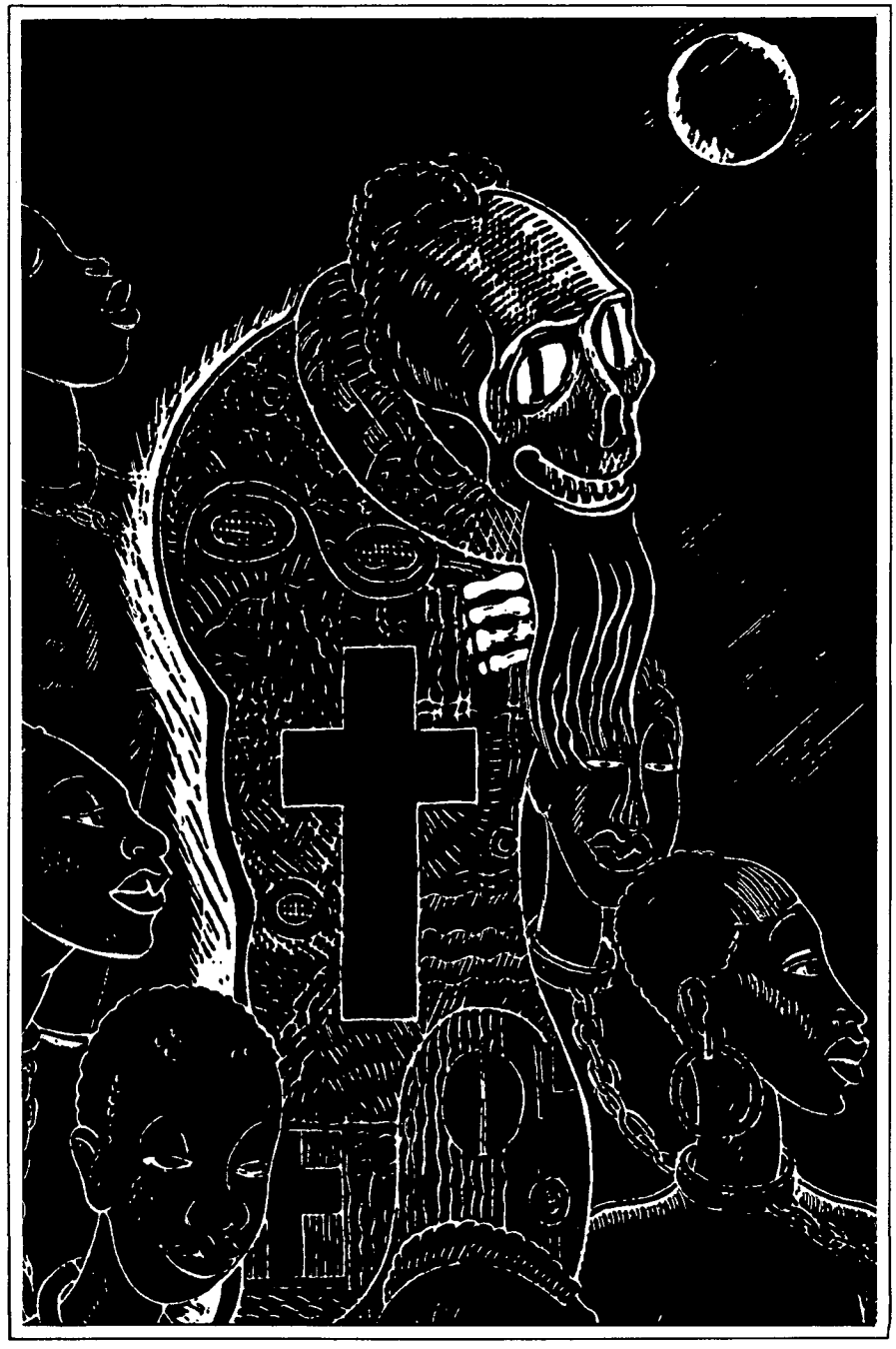
SINCE THE DEATH OF the Reverend Jim Jones, the diagnosis of paranoia has been falling on his memory like snowflakes in a winter storm in Syracuse. I suggest that we take another look at some of the facts reported about this Marxist-Christian minister before the sordid truths about his behavior and that of his followers are completely buried beneath a blanket of psychiatric speculations and diagnoses.

Virtually everyone who knew Jones —among them some prominent and presumably perceptive and intelligent men and women—regarded him as perfectly healthy mentally. For instance, during the 1976 Carter presidential campaign, Rosalynn Carter and Jim Jones dined together in San Francisco. Mrs. Carter, who is, as we know, one of America's foremost experts on mental health, found no sign of mental illness in Jones—on the contrary: In March 1977, she wrote him a letter praising his proposal to give medical aid to Cuba, and after the election she invited him to attend the inauguration, which he did.

That Jones was accepted as at least "normal" in California liberal political circles has by now become notorious. That he was still widely regarded as both mentally healthy and morally admirable during the weeks and days immediately preceding the massacre is evident from the fact that a gala, $25-a-plate dinner benefit for the Peoples Temple was planned in San Francisco for December 2, 1978. Called "A Struggle Against Oppression," the affair was to feature Dick Gregory and the Temple's two lawyers, Mark Lane and Charles Garry, as speakers. It was endorsed by 75 prominent city leaders and politicians. It was cancelled after the massacre.

Actually, in view of Jones's impressive record of good "psychotherapeutic" works, the enthusiasm of evangelistic mental healthers for him should come as no surprise. Jones "cured drug addicts." He "rehabilitated" aimless Americans and put them on the road to a communitarian salvation. He was, officially at least, even against suicide —when it was a course chosen on one's own. On Memorial Day in 1977 (only 18 months before the Jonestown massacre), Jones led a delegation of Peoples Temple members on a march onto the Golden Gate Bridge in San Francisco, demanding that the city build a suicide barrier on the bridge.

In addition to these testimonials to Jones's good mental health and commendable character, we also have the word of Jones's personal physician that the minister was both psychiatrically normal and morally admirable.



THOMAS SZASZ, a contributing editor, writes a monthly column for INQUIRY. His most recent book is The Myth of Psychotherapy.

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Dr. Carlton Goodlett, identified as a "prominent black doctor" in San Francisco who had also attended Jones in Guyana, told the *New York Times*: "I was convinced that Jones was involved in a brilliant experiment in Guyana that actually put people in better shape down there than they had been in San Francisco." Even after the massacre Dr. Goodlett offered this psychiatric opinion—not about Jones, but about his disenchanted followers: "The deserters from the church had come to me, but they were just a neurotic fringe."

To say that Jim Jones was widely regarded as mentally healthy, is indeed an understatement: He was regarded as a brilliant healer of minds, a great "therapist." Many of his followers were former drug users. Two survived the massacre. One of them, Tim Carter, told the *Times* he had been "heavily involved in drugs in California" and was cured by Jones. Tim's father, Francis Carter (both of whose sons were "on drugs"), praised Jones's treatment of drug abuse to a *Times* reporter: After joining the temple "they gave up drugs, became rehabilitated, and got better." Odell Rhodes, another survivor, "had been a heroin addict from the Detroit ghetto. [W]ith the help of Jim Jones's power he had beat heroin, he said. He felt he needed his mentor to keep him straight."

AFTER THE BUTCHERY in Guyana, Jones's followers and friends were eager to dismiss him as "paranoid." Steven Jones lost no time diagnosing his father as psychotic, an opinion he kept carefully to himself until "dad" was dead. Why did Steven Jones think his father was mad? Because he destroyed the concentration camp that young Jones evidently loved dearly. "He has destroyed everything I've worked for," said Steven Jones.

One of Jones's lawyers, Charles Garry, characterized the commune as "a beautiful jewel. There is no racism, no sexism, no ageism, no elitism, [*sic*] no hunger." After the massacre, Garry declared: "I am convinced this guy was stark raving mad." If Garry believed this before November 18, 1978, he violated his professional responsibilities as a lawyer and his moral responsibilities as a human being; and if he concluded it only because Jones finally carried out his oft-repeated threat of mass murder and suicide, then Garry is asserting a platitude in declaring his safely-deceased client "mad."

Mark Lane, Jones's other lawyer and a renowned expert on conspiracy and paranoia, described his former client to the *Times* as "a paranoid murderer who, after four weeks of drug injections, gave the orders that resulted last weekend in the deaths of Representative Leo J. Ryan. . . ." The great conspiracy-hunter thus sought to exonerate Jones by attributing the mass murder and suicide not only to "paranoia" but also to "drugs." But the fact is that Lane accepted Jones as a client and continued to represent him, up to the very moment of the debacle.

I cite all this as presumptive evidence that, before the final moment, those closest to Jones did not believe that he was psychotic. Their subsequent conclusion that Jones was paranoid is intellectually empty and patently self-serving. (Today everyone who reads newspapers and watches television has been taught that mass murderers are mad.) While Jones was alive his friends and followers did not regard him as paranoid, quite simply because they liked what he was doing. For the bottom line is a moral judgment: Jones's supporters think that he was a good man who suddenly became mad; I think he was an evil man—and not just on the day of the massacre.

Whether or not Jones had been "crazy" long before the massacre, depends on the meaning one wishes to attach to that word. However, it is now clear that for a long time Jones's behavior had been sordid and evil. It is also clear that when his followers were faced with certain facts, they deliberately looked the other way. Consider the following reports of Jones's behavior during the period when his followers and those "outside" regarded Jones as not merely "normal" but "superior":

—Jones insisted that everyone call him "dad" or "father." When there was a disagreement in the commune, the members would tranquilize one another and themselves by repeating the incantation, "Dad knows best. Just do as dad tells you."

—Jones had a wife, several mistresses, and "had sex" with many of the women and several of the men in the commune. "He told their husbands [according to Tim Carter, an aide] that he only did it to help the woman."

—Jones claimed that he was Jesus and could cure cancer.

—According to Jerry Parks, another cult member, "Everyone had to admit that they were homosexual, even the women. He was the only heterosexual."

—Several times before the final butchery, Jones conducted rehearsals of the communal carnage.

—Members of the commune had to turn their possessions over to Jones, had to work like slaves, were starved and were kept from sleeping, and could not leave the commune.

DESPITE THESE UNSAVORY facts (and many others not catalogued here), I cannot recall, in the thousands of words I read about the Jonestown affair, a single commentator—journalist, politician, psychiatrist, anyone—characterizing the Reverend Jim Jones as an evil man. Mad, insane, crazy, paranoid, and variations on that theme—that is the consensus. James Reston's judgment of Jones was sadly typical. After quoting the opinion of "one of the most prominent members of the Carter Administration," according to whom the Jonestown massacre was a symptom of "mass lunacy in an age of emptiness," Reston delivered the craven diagnosis that liberal intellectuals, when faced with evil, instinctively issue. The Reverend Jones, declared Reston, was an "obviously demented man."

The most imaginative diagnosis was offered, not surprisingly, by a psychiatrist. Explained Dr. Thomas Ungerleider, professor of psychiatry at the University of California at Los Angeles: "I believe it was the jungle. The members got no feedback from the outside world. They did not read *Time* magazine or watch the news at night. . . ." Dr. Alvin Poussaint, professor of psychiatry at Harvard and one of the leading black psychiatrists in America, offered this shameful and revealing diagnosis: "We cannot in good conscience fault the mission of the rank-and-file because of the acute psychosis of their leader. . . . The humanitarian experiment itself was not a failure, the Reverend Jones was."

I think we can do better than that. The evidence—despite Reston and the anonymous high Carter administration official—suggests that Jones was depraved, not "demented," and that what his congregation displayed was mass cruelty and cowardliness, not "mass lunacy." I believe that plain English words such as "evil," "depraved," "cruel," and "cowardly" furnish a better description of what

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happened at Jonestown than does the lexicon of lunacy in which those despicable and pathetic deeds have been couched.

This instant metamorphosis of Jones from prophet to psychotic now conceals—as did previously the deliberate denial of the significance of his everyday behavior by those who knew him—the self-evident evil that animated this bestial tyrant long before his supposed "degeneration into paranoia." That is the phrase used by *Time* magazine, where Jones is described as an "Indiana-born humanitarian who degenerated into egomania and paranoia." *Newsweek* confirms the diagnosis: Jones's "mind," we are informed, "deteriorated into paranoia."

I object. It is fundamentally false and distorting to view every gesture to help the poor—regardless of motives, methods, and consequences—as "humanitarian." What tyrant has not claimed to be motivated by a desire to help the helpless? We know only too well that to those hungry for power, the prospect of "helping" life's victims presents a great temptation; one that complements the temptation that the prospect of oblivion through alcohol or drugs presents to those hungry for a simple solution to life's problems. That is why these two types of persons are drawn to each other so powerfully, and why each regards the competent, self-reliant person as his enemy. So much for Jones's "humanitarianism."

AS FOR JONES'S "PARA-noia," we accept the proverbial wisdom that one man's meat is another man's poison. Similarly, we should accept that one man's prophet is another man's paranoid. It is simply not true that Jones "degenerated into paranoia." Jones was the same person on November 18, 1978 (the date of the mass murder and suicide), that he was the day before, the month before, the year before. Jones did not suddenly change. What did change suddenly was the opinion certain people entertained and expressed about him.

What we need, then, is not so much an explanation of what happened in Jonestown, which is clear enough, but rather an explanation of the explanations of the carnage that the purveyors of conventional wisdom have offered us. Briefly put, such a metaexplanation might state that paranoia in a dead and dishonored "cult" leader is caused by the sudden realization of his followers and others that they have been duped, which instantly transforms them from sycophants (and sympathizers) into psychodiagnosticians.

Much could be, and should be, made of the carnage at Jonestown. What I want to make out of it here is, briefly, this: Access to drugs entails what is now smugly called "drug abuse." How, indeed, could it be otherwise? Why, then, the shocked surprise that access to freedom entails "freedom abuse"? Assuredly the abuse of freedom—like the abuse of alcohol, drugs, food, or any other good that nature or human ingenuity provides us—is a small price to pay for the boundless benefits of freedom. That the abuse of freedom entails risks to innocent persons is one of the tragic facts of life. The children murdered at Jonestown are a somber reminder of the awesome power parents have over their children—a power that, as Jonestown and other communal experiments have shown, the collectivization of the family can only amplify.

The ultimate ugly and undeniable facts are that of the 909 bodies at Jonestown, 260 were those of children, butchered by the peaceloving, "humanitarian" followers of the Reverend Jones; and that, like their leader, these butchers hated the open society and "fled" their homeland to settle in a socialist country. The men and women of Jonestown rejected liberty; it is as if they had turned Patrick Henry's maxim, "Give me liberty or give me death!" on its head, and had sworn allegiance to the maxim, "Give me death rather than liberty!"

As for Congressman Ryan and his party, they paid a heavy price for their naiveté and miscalculation, but, after being warned repeatedly about Jonestown and after being emphatically disinvited by the inhabitants, their attempt to "liberate" would-be defectors without adequate arms was as ill-advised as would be an attempt to scale the Alps without proper shoes or clothing. When Congressman Ryan insisted on staging his inspection-invasion to foist on them the liberty they loathed, the Jonestown patriots proved that they had the courage of their convictions. The point is not merely that actions speak louder than words, which is obvious enough; it is rather that in the base rhetoric of butchers—regardless of whether they come garbed as priests, politicians, or physicians—"love" means "hate"; "I will take care of you" means "I will kill you."

JOEL KOTKIN & DOROTHY J. SAMUELS

Reefer madness revisited

AFTER SEVERAL YEARS of lying low, ducking the fire of congressional committees and citizens' groups, the federal government's drug enforcement officials are up to their old tricks again.

Back in the days of Nixon, as Edward Jay Epstein showed in his book, *Agency of Fear*, the administration and the nation's top narcs helped devise and carry out the infamous "war on drugs," complete with stormtrooper-style raids on innocent families and other abuses of domestic civil liberties. Stirring up a nationwide heroin scare, then exploiting the public's dread of drugs to consolidate power, Nixon's drug officials built a network of agents beyond constitutional control.

Now, the Justice Department's Drug Enforcement Administration (DEA), the bureaucratic offspring of Nixon's campaign against drugs, has launched an offensive against marijuana. In a speech last fall before the International Association of Chiefs of Police in New York City, DEA chief Peter Bensinger fired the opening shot in this new battle, making various misleading claims about the "real perils of marijuana smoking." It was just the first thrust of a concerted drive to reverse the trend toward decriminalization and eventual legalization of the country's favorite weed, and to build political support for stiffer drug penalties and, not incidentally, the DEA empire.

Bensinger's assertions about the health risks of marijuana, which were

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spoon-fed to newspapers across the country as an op-ed piece distributed by the DEA's giant public relations apparatus, are not prompted by any startling new scientific findings about the effects of marijuana smoking. There is very little that is new in the field. But taking advantage of a change in the political climate, the DEA is distorting and manipulating existing information to stir up a frenzy over the dangers of marijuana.

Bensinger told the police chiefs, for example, that "marijuana represents a more serious cancer threat than cigarettes," and he indicated that he had gotten the concurrence of the American Cancer Society and the American Medical Association in this judgment. However, in the furor over Bensinger's remarks, his office was unable to identify representatives of either organization with whom the DEA chief had discussed the dangers of marijuana.

And no wonder. A spokesman for the Cancer Society immediately refuted Bensinger's claim, saying that the organization has no national policy on marijuana. "But," the spokesman added, "we are looking into it for treatment of pain for cancer victims in certain controlled circumstances." Bensinger did talk with one of the organization's officials, Dr. Frank Raucher, about marijuana research that Raucher had conducted when he headed the National Cancer Institute. Raucher's version of the conversation, though, differs markedly from the one Bensinger tells. Raucher stressed to the DEA chief that even if marijuana is shown to cause cancer, the danger is far lower than for tobacco smokers, since most marijuana smokers are casual users. That would make the actual cancer risk extremely low.

The AMA is likewise puzzled about Bensinger's account. Like the Cancer Society, the AMA has not taken a position on the allegation that marijuana is a carcinogen. Nor does it expect to do so in the near future. An article in a recent issue of the AMA *Journal* urges increased research on marijuana to avoid confusion about its possible risks.

Asked why the nation's doctors don't support the DEA's claims about the dangers of marijuana, DEA press officer Con Dougherty accuses the doctors, among the most aggressive lobbies in Washington, of being uncharacteristically timid on this issue—and even withholding information. "They're waffling," explains Dougherty. "They have all the evidence—even more than we are privy to—that it is dangerous. It just seems politic for them to sit on the fence."

Spokesmen for the National Institute on Drug Abuse (NIDA), the government's leading marijuana research center, presume that Bensinger has misconstrued two federally funded studies published in 1975 and 1976. The first one concluded that marijuana may actually aid lung function, and it called for more research to resolve the dispute. The other, involving experiments with mice, concluded that marijuana may cause cancer in humans, but only if smoked in the same quantities as tobacco. In fact, marijuana smokers inhale far less smoke than do tobacco smokers.

NEITHER THE DOCTORS nor anyone else seem to be lining up to defend Bensinger's other major health claim against marijuana: that there is a proven connection between pot-smoking and birth defects. Bensinger bases this wobbly thesis on a federal study in which, according to the DEA chief, rhesus monkeys smoking up to 30 reefers a day were found to be more likely than a control group to have unhealthy offspring. Since rhesus monkeys usually weigh less than 30 pounds, this means the creatures were smoking the human equivalent of two hundred joints a day. As anyone familiar with the drug knows, that ration would make anyone incapable of breathing, much less bearing children.

Dr. Lester Grinspoon of Harvard University, one of the nation's leading marijuana research experts, accuses Bensinger of spreading unfounded scare stories. Grinspoon recalls that forty years ago federal law enforcement officials tried to build an anti-marijuana scare campaign, and that most of those claims have long since been refuted by research. "There is no basis for what Bensinger said," insists Grinspoon, "and young people who smoke marijuana will find this out, and they will believe nothing that we tell them."

Even some DEA agents admit the flabbiness of Bensinger's claims against marijuana. "We don't care about the healthiness of this stuff," one New York DEA agent explains between puffs of his Camel. "We are just interested in stopping the big pushers. Everything else is PR."

WEED FROM THE DEVIL'S GARDEN!
MARIJUANA
HUNTING A THRILL, THEY INHALED A DRAG OF CONCENTRATED SIN!
WAKE UP AMERICA!
HERE'S A ROADSIDE WEED THAT'S FAST BECOMING A NATIONAL HIGH-WAY!
"Reefer MADNESS"
A 1936 CLASSIC

PAUL ANDERSON WITH APOLOGIES TO BOB PRICE

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But the latest antimarijuana campaign cannot be dismissed lightly as a comical throwback. The drive is dangerous because it is being promoted with greater sophistication than in the past. The agency doesn't try to scare the public with outrageous assertions, such as that pot use leads to heroin addiction or induces uncontrollable sexual behavior. In a nation where, according to HEW, 43 million people have tried the weed, that simply wouldn't wash. Instead, Bensinger, playing to the fears of the self-indulgent, health-obsessed public of the seventies, is producing totally new arguments against marijuana.

The health theme, played along with refrains that bemoan the marijuana epidemic among our nation's youth, is bound to be a big hit. Already, important allies are whistling Bensinger's tune. HEW Secretary Joseph Califano has taken to hailing such dubious acts as the mass arrests of pot-smoking teenagers in suburban Maryland. Robert DuPont, the former head of NIDA who once held liberal views on marijuana, has now recanted. DuPont has no new evidence to go on, but says he gets "a very sick feeling in the pit of my stomach when I hear talk about marijuana being safe." Looking into the crystal ball, DuPont predicts that when the full consequences of marijuana smoking are known he has "no doubt they are going to be horrendous." DuPont's acting successor at NIDA, Karst J. Besteman, has also become a Bensinger ally.

More disturbing, the media are plugging Bensinger's act. In mid-December, NBC news ran a special with Edwin Newman entitled "Reading, Writing and Reefers." The script could have been written by Bensinger himself. Just a few days after the program was shown, the Michigan legislature defeated by one vote a bill that would have decriminalized possession of one ounce or less of marijuana. The TV program is cited by advocates of the bill as an important factor in the loss.

THE TIMING OF THIS antimarijuana effort is not accidental. Since the early 1970s the DEA has been on the defensive, trying to live down the bad name federal drug enforcement earned by its well-publicized raids and other abusive tactics during the halcyon Nixon era. Only in the last several months has there been an opportunity for the agency to return publicly to the offensive. It came with the departure of White House drug adviser-provider Peter Bourne.

Although Bourne was far less liberal on drug matters than was commonly believed—remember, he approved the spraying of Mexico's marijuana crop with the poisonous paraquat—the perception that he was a liberal and close to the President had a moderating effect on the DEA. For example, nary a protest was heard from Bensinger when, in August 1977, Carter sent Congress his drug message calling for decriminalization of possession of an ounce or less of marijuana—thus fulfilling a 1976 campaign pledge that had been important in attracting fund-raising support from top rock groups when the President was still "Jimmy Who?"

In 1977, grass seemed already de facto legal around the White House. It was smoked openly at parties for campaign workers. And according to press accounts, as recently as last June grass was smoked under the noses of the President and his chief law-enforcement officer, Attorney General Griffin Bell, at the White House Jazz Festival.

Then the roof came crashing in on the advocates of decriminalization. With all the publicity given to drug use by top Carter aides, in the wake of the Quaalude incident, the embarrassed White House relinquished its role in renovating federal drug policy. At the time, Califano had not yet chosen a successor to DuPont at NIDA. And Bensinger was prepared to step into the vacuum.

Aides insist that Bensinger, a most durable Republican appointee, has always hated the "killer weed." What is different now, they assert, is that the nation's mood and the administration have shifted toward the right. "Bensinger felt it was incumbent now for us to have something said out in the open," says the DEA's Con Dougherty. "He wanted to make it clear that the federal government would not decriminalize marijuana."

This development has brought joy to the hearts of agency staffers who, just a few months ago, were privately complaining about a permissive administration and an opium den at 1600 Pennsylvania Avenue. Once reluctant to talk publicly about the White House position—technically, Carter still favors decriminalization—Dougherty is pleased to report that the DEA position on grass is now the dominant one. "The White House is not making any bones about making the DEA the lead agency in drug enforcement and also the expert on what's going on with drugs," he insists. "We don't have to wait for the White House to decide we're going to crack down. We're the experts, but we're also really appreciative of the support we have from the White House on this." (One joke around Washington is that Lee Dogoloff, Bourne's replacement as chief White House drug adviser, briefs the Domestic Policy Council on the basis of Bensinger press releases.)

"We don't have to wait for the White House to decide we're going to crack down," says an official with the Drug Enforcement Administration. "We're the experts."

JUST WHEN IT SEEMED the debate on marijuana was becoming more rational, the clock has been turned back. Everyone recognizes that the pot prohibition has given rise to a new breed of organized crime, but the logic of solving this problem the same way the government finally dealt with bootleg liquor—that is, legalization—eludes the DEA chief. Bensinger refers to international treaties that pledge the United States to outlaw marijuana and other drugs and work to eliminate supplies. It would be "hypocritical," he argues, to legalize it.

Bensinger's main argument against legalization and regulation of grass is even more desperate, though. "Suppose you legalize marijuana," Bensinger muses. "Certainly you aren't going to sell it to sixth graders, to children. So say you put the age at 21 or 18.

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What do you think these criminal outfits will do? They'll keep smuggling and sell it to the young people."

These lurid fears, and the supposed health risks of marijuana, lead Bensinger to oppose even reducing the penalties for possession or sale of small amounts. His logic, it seems, is that decriminalization only expands the market for the illicit drug and tends to encourage local law enforcement to look the other way.

Bensinger stresses that the DEA's get-tough policy is not aimed at the small user of marijuana but at the major drug traffickers. But this cagily overlooks the DEA's influence on state and local law enforcement. Although Bensinger may honestly believe that his new drive will ultimately net those who supply the nation's pot, we know from past experience that the DEA's inflammatory rhetoric will more likely mean hundreds of thousands of arrests of small-fry marijuana smokers.

The government estimates that about 90 percent of the 454,000 marijuana-related arrests in 1977 were for possession of an ounce or less. About 60 percent of the busts involved possession of 30 grams or less. With the federal crackdown, it is hard to imagine that the number of arrests for possession of small amounts of marijuana will go down in the coming year.

We spend a very large amount of our national resources—conservative estimates start at $600 million—trying to figure out who uses a very small amount of pot. The social costs are also great: Criminal penalties for marijuana possession destroy many lives and divert law enforcement forces from attention to violent crime and criminal acts that pose a true threat to society.

"It's reefer madness revisited," concludes Keith Stroup, former director of the National Organization for Reform of Marijuana Laws (NORML). Stroup is understandably wary of the consequences of the DEA's current campaign against marijuana. "Essentially, the DEA is saying, 'If we only had more resources and powers and tougher laws, we could stop this rampant dope menace.'"

The line is all too familiar. It seems like only yesterday that the Nixon team persuaded citizens that their lives, and lives of their children, were being threatened by an epidemic of drug addiction. Now the villain is marijuana. Will America really fall for it again?

KAREN MULHAUSER & JANET BEALS

The campaign against abortion

EVER SINCE THE 1973 Supreme Court decision legalizing abortion, groups that oppose abortion have been waging a strenuous political campaign to reverse the High Court ruling and deny to individuals the right to determine the course of their reproductive lives. Although the antiabortion lobby has not yet succeeded in its main effort to pass a constitutional amendment banning abortion, in the past year it has won a number of major victories, including the well-publicized decision by Congress to deny federal funding of abortions for low-income women, military personnel and their dependents, and Peace Corps volunteers. Less well known is the lobby's drive to pass local and state laws which, in the guise of regulating abortion clinics, mandate the dissemination of patently inaccurate information, expose women seeking abortions to intimidation, and seriously invade their privacy. These laws disregard the Supreme Court's ruling that abortion is "inherently and primarily a medical decision" and a basic right for all women.

The campaign to pass local ordinances is the legal extension of the battle that antiabortion activists have waged against abortion clinics across the country. In the last two years, so-called "right to life" groups have disrupted clinics by picketing and illegal sit-ins, and they have sought to harass and intimidate women who have had abortions by calling or visiting them to accuse them of being "murderers."

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In the same period, unidentified persons carried out a series of attacks on abortion clinics and family-planning offices, burning six clinics, vandalizing numerous others, and in one case injuring a clinic nurse.

The most publicized of the local laws regulating abortion clinics was passed in Akron, Ohio, last February, soon after the worst wave of violence. Drafted by a team of lawyers working with Citizens for Informed Consent, an organization that provides political and legal guidance to local antiabortion groups, the Akron ordinance has become a model for numerous other communities. Citizens for Informed Consent has been actively distributing revised versions of the Akron law to state legislatures, city councils, and county boards in other parts of the country; communities in 40 states are now considering such drafts.

On the surface, the ordinances may appear innocuous. Among other things, they require that clinics provide information to enable prospective patients to give informed consent for the procedure, and they mandate notice to parents of a minor wishing to have an abortion. On closer inspection, however, the Akron ordinance and its many copies are nothing more than attempts to subvert the Supreme Court ruling on abortion and write into law the propaganda and moral views of the antiabortion movement.

Consider, for example, the "informed consent" provision of the Akron law. This section requires a doctor to instruct the patient "that her unborn child is a human life from the moment of conception." The law specifies that the doctor must describe to the patient, in graphic detail, the anatomical and physical characteristics of her "unborn child," from the number of fingers and toes to the level of pain the embryo can experience, including "appearance, mobility, tactile sensitivity . . . brain and heart function, the presence of internal organs and the presence of external members."

The purpose of this section is obviously not to enable a woman to give informed consent, but to bombard her with antiabortion propaganda. By defining the embryo as an "unborn child" from the moment a human egg is fertilized, the ordinance contradicts —among others—the Supreme Court, which has stated, to the contrary, that "the unborn have never been recognized in the law as persons in the whole sense." To call an embryo a person or

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unborn child is to incorporate a particular religious belief into a secular law that governs people holding various moral views. Also, requiring this "information" as part of informed consent violates a Supreme Court ruling in *Danforth* v. *Planned Parenthood* (1976), which defines a doctor's duty as "the giving of information to patients as to just what would be done and as to its consequences." According to the Court, "To ascribe more meaning than this might well confine the attending physician in an undesired and uncomfortable straitjacket in the practice of his profession."

*THE AKRON INFORMED-*consent provision requires the physician to describe abortion as a procedure that can result in "hemorrhage, perforated uterus, infection, menstrual disturbance, sterility and miscarriage, and prematurity in subsequent pregnancies." The patient must also be told of the probability that "severe emotional disturbance" will be another result of the abortion. But this information exaggerates part of the story and leaves out the rest. The Akron law would not have doctors tell the patient that abortion is safer than carrying a pregnancy to term and that the risk of long-term complications from an early abortion is minimal or nonexistent. (In 1976 the mortality rate from abortions in the first trimester was 0.5 deaths per 100,000 procedures, compared to over 12 deaths per 100,000 live births.) Nor would it have them say that studies show that the most common emotional result of abortion is a feeling of relief.

The ordinance presumes a fetus to be viable at 24 weeks and requires that the woman be informed that the "unborn child" is capable of survival at 22 weeks. In *Danforth*, the Supreme Court ruled that neither legislatures nor courts can determine viability: That determination must be left to the medical judgment of the attending physician on a case-by-case basis. Furthermore, a presumption of viability at 22 weeks disregards available medical information. There was no documented case of the survival of a fetus that was less than 24 weeks old and weighed under 600 grams, according to a report prepared last year for the National Commission for the Protection of Human Subjects.

The ordinance has special provisions designed to discourage pregnant teenagers from obtaining abortions. The Akron law requires doctors to contact the parents of girls under 18, even if such notification might be detrimental to the well-being of the patient, and it stipulates that girls under 15 must get their parents' consent or a court order before having an abortion, even if the physician believes this would be harmful. This section is contrary to the ruling of the Supreme Court in *Wynn* v. *Carey* (1978) that recognized the right of a minor to choose abortion without obtaining parental consent because "it is the minor, not the parents, who physically bears the child and faces the psychological and emotional risks attendant to childbirth and . . . who is responsible for the child once it is born . . ." The government, stated the Court, "does not have the Constitutional authority to give a third party an absolute and possibly arbitrary veto over the decision of the physician and his [minor] patient to terminate the patient's pregnancy." Where there is a healthy relationship between a teenager and her parents, the child will naturally choose to have her parents' advice. But where such a relationship does not exist, requiring parental approval might force a girl to seek an illegal abortion or might expose her to physical or emotional abuse by her family.

Other provisions of the ordinance are also designed to discourage abortions. After signing the "informed consent" form a woman must wait 24 hours before the abortion can be performed. This waiting period serves no medical purpose and interferes with the job of the physician. Some of the laws inspired by the Akron example require notice to the "father" of the fetus, regardless of the woman's marital status; others stipulate that two physicians be present at the abortion—one to "save the baby" if it is viable. Still others compel doctors to perform second trimester abortions in hospitals instead of in clinics, making abortions even less accessible. Though the clauses may vary from place to place, these abortion regulation ordinances are all part of a new attack on the right to safe and legal abortions.

While the Akron ordinance is still tied up in a court challenge led by the American Civil Liberties Union, similar laws have passed in Louisville, Kentucky; North Royalton, Ohio; Niagara County, New York; Richland, Washington; Joplin, Missouri; Oklahoma; and Louisiana. A modified version has been passed in Tennessee, and hearings are underway on a related bill in New Jersey. Such statutes may be passed in more than a dozen cities, counties, and states around the country, including Chicago, Boston, Pittsburgh, and Missouri. Although courts have thus far temporarily enjoined these laws whenever requested to do so, pending rulings as to their validity on constitutional and other grounds, the antiabortion lobby continues to promote its model ordinance.

Constitutional or not, however, these ordinances are being passed and will continue to be passed. They benefit no one: not the consumer, whose access to abortion is restricted; not the physician, whose right to practice medicine is interfered with; and certainly not the clinics, which will find it more difficult to provide safe abortions. While obstructing a woman's right to a safe abortion, such statutes capitulate to the vocal few who believe that the decision to continue a pregnancy should be legislated rather than left up to the individual.

Forthcoming in
INQUIRY

- *Noam Chomsky on East Timor*
- *Articles on Common Cause, the Drug Enforcement Administration, the Middle East peace talks*

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And Now, Medicare For Psychosurgery?

THE SECRETARY OF HEW HAS GIVEN PSYCHOSURGERY A BOOST ITS SUPPORTERS NEVER EXPECTED.

By Lee Coleman

FOUR YEARS AGO CONGRESS COMMISSIONED a report on psychosurgery—surgery on normal brain tissue that attempts to alter thoughts, feelings, or behavior—to be prepared by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. The commission's findings, which were released in March 1977, not only endorsed psychosurgery, but asked the secretary of HEW to sanction the practice officially as a "potentially beneficial" therapy and to roll back the protections afforded prison and mental hospital inmates in recent years. The entire report, in fact, can be seen as an attempt to reverse the antipsychosurgery trend that had been growing since the early 1970s.

Secretary Joseph Califano sat on the commission's findings for nearly two years, while the report provoked a barrage of criticism. This raised hope in some circles that the attacks would lead Califano to take a tough line against psychosurgery. But in November, HEW gave psychosurgery a boost its advocates probably never expected. By governmental fiat psychosurgery has now been established as accepted therapy. "In some cases," HEW concludes, "use of these procedures is the only way to alleviate the suffering of patients who have exhausted other treatments." The HEW statement also suggests that tax dollars, through Medicaid and Medicare, may be used to pay for psychosurgery: "We will publish regulations covering procedures that might be so supported in the future by these programs." It appears that for the time being, at least, the burgeoning opposition to psychosurgery has been set back by the government's wholesale approval of mind-altering surgery.

The current boost for psychosurgery is simply the latest chapter in the continuing effort by the psychiatric profession and its friends in government to find tidy solutions to violence and other troublesome behavior. Brain operations on mental patients have been going on since 1936, when Egaz Moniz, a Portuguese neurologist and diplomat, after hearing that monkeys could be pacified by having the front portion of their brain severed, decided to try the same thing on certain mental hospital inmates. Although he described the operation on monkeys as "mutilation," in humans he claimed he "could not help but transform the patient's psychic reactions and bring him benefit." The Nobel Prize committee agreed and gave Moniz its award in 1949, but at least one recipient of the surgery disagreed strongly enough to shoot him.

New procedures were pioneered in the United States by neurologist Walter Freeman and surgeon James Watts, who in 1937 developed their "precision method" in which a hole was drilled through each side of the skull; then a

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screwdriver-like instrument was inserted and moved up and down until the connections to the frontal lobes were severed in an attempt to partially disable this region of the brain. They believed that "certain individuals may suffer from perverted activity of these areas." The question of meaningful consent was not deemed terribly important at that time. Relatives were routinely allowed to consent on behalf of the patient.

This is how Freeman and Watts, in their book *Psychosurgery*, describe a Miss E. B. (the victims were usually women): "She was brought to Washington by three members of her family under the influence of opiates and more or less by force. When she became aware of our presence she began to talk in a low tone but fairly coherently, later on becoming agitated, tossing about in bed, . . . demanding to be taken home. . . . She said, 'Won't you please let my brother come and take me home in the morning? I know you can't do anything here for me, and I am terribly afraid that if you do something it will be something like insulin shock and I know I could never stand that. . . .

" 'My God, what are you going to do with me here? You're only going to torture me. It's mental torture. Please let me go home. There's nothing wrong with me. . . .'

"Lobotomy was carried out," write Freeman and Watts, "on January 13, 1938. . . ." The doctors took pride in their work, writing, "The effect of the operation was the entire elimination of anxiety, apprehension and nervous tension. While the unrestrained expressions against the physicians, hospitals and nurses continued unabated, [and] were possibly even more scandalous, those same expressions that had been emitted with such intensity and venom previously, became more like caresses, said with a smile and without rancor. The words were the same or worse, but the tone of voice had changed . . . in the weeks after operation there was readjustment of the whole personality with fears banished and a naturally lovable disposition again taking command."

The medical community raised no serious questions about these practices. For 12 years, Freeman was the secretary of the American Board of Psychiatry and Neurology; his actions were never censured. Lobotomies did, however, gradually fall into disrepute, and the use of powerful tranquilizers, introduced in the mid-1950s, allowed recalcitrant patients to be controlled more cheaply and effectively. The era of ice-pick surgery came to an end, although a few lobotomies are still performed.

MEANWHILE, FOR YEARS, WORK HAS BEEN going on quietly in the area of implanting brain electrodes for the purpose of taking electrical recordings. Dr. Robert Heath, best known for his announcement in 1954 that he had discovered the cause of schizophrenia to be a substance he named "Taraxein," has been directing this work. Heath and Russell Monroe, a psychiatrist, were interested in the septum, a region of the brain identified popularly as the "pleasure center." They had a handy source of experimental material: chronically hospitalized mental patients from the Charity Hospital of Louisiana. These state hospital inmates were obviously completely powerless, and Heath and Monroe were oblivious to the niceties of freely given consent.

They intended to prove, after Heath abandoned his Taraxein theory, that schizophrenia was caused by abnormal electrical impulses in the pleasure center. They also had visions of curing the disorder by righting the brain's electrical wrongs with a few well-placed electrical charges. One of the experiments described by the doctors involved a 27-year-old woman forcibly kept in the hospital because of what her husband described as "spells" of mounting irritability. In the book, *Episodic Behavior Disorders*, Monroe writes: "Amobarbital (amytal) sodium intravenously would often control the behavior and sometimes the attacks. At other times hospitalization was required for as long as two months, the patient receiving electroshock

THE GREAT SOCIETY IN ITS HEYDAY LAVISHED MONEY ON PROPOSALS TO SOLVE THE CRISIS.

treatment and subcoma insulin therapy. . . . Even during periods of remission she would have been judged an incipient paranoid schizophrenic because of her pathological jealousy, delusions of infidelity, and poorly developed but quite obvious paranoid ideation." Dr. Monroe is describing, in other words, a woman drugged, incarcerated, and shocked against her will. In this condition, she was used as a guinea pig; electrodes were implanted in her brain.

Next, "She put on her clothes without aid and then attempted to escape from the hospital. Apprehended, she was brought to the EEG lab where she was interviewed. At this time she expressed intense anger, resentment and negativism." Later in the morning she was given sodium amobarbital. "The anger almost immediately disappeared, followed by depression. . . ." After the sedative wore off, she once again became hostile and tried to escape. "Restraint was necessary and again she became depressed and tearful." Monroe's conclusion: "This is an example then of the episodic reaction correlating quite directly with increased abnormalities in the septal and hippocampal areas. . . ."

Unable to flee, this woman was later drugged with LSD and mescaline so that the doctors could take more readings from the electrodes still implanted in her brain. Under LSD, according to Monroe, she complained of "nausea, blurred vision, head and backache. She became depressed and cried throughout the observation period, constantly struggled to get up, and was completely uncooperative." An experiment with alpha-chloralose produced fits of rage.

Given the fact that these practices are written about for all to read, the doctors apparently have no fear of judgment. Heath and Monroe and many others who have conducted similar "experiments" on mental hospital inmates, are to this day respected members of the circle of professionals who advocate psychosurgery.

More recently, interest has focused on electrical stimulation of the brain. The most prominent of the brain probers of this persuasion, Dr. Jose Delgado, is best known for his "stimoceiver," a tiny radio-controlled electrode that is implanted in the brain and is activated by remote control. In 1971 Delgado implanted one into the brain of a bull and was able to stop the bull in midcharge. Delgado claimed that "after several stimulations the bull's naturally aggressive behavior disappeared. It was as placid as Ferdi-

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nand." Responsible scientists recognized that in fact the bull had simply been incapacitated, rather than cured of its aggressive tendencies. Nevertheless, Delgado went on to advocate such brain stimulation for humans as the way to create what he called a "psychocivilized society."

Up to this point, the government had not shown a great interest in psychosurgery. However, after the inner city disorders of the mid-1960s, and with the great society in its heyday, money in the form of grants and contracts was lavished on proposals to help solve the social crisis. It is not surprising that at least some M.D.s would join the rush to cash in, and in 1967, shortly after the poor black neighborhoods of Detroit erupted, the government was tantalized by a letter published in the *Journal of the American Medical Association* that asked, ". . . Is there something peculiar about the violent slum dweller that differentiates him from his peaceful neighbor? . . . We need intensive research and clinical studies of the *individuals* committing the violence. The goal of such studies would be to pinpoint, diagnose, and treat those people with low violence thresholds before they contribute to further tragedies."

THE ASSASSINATIONS OF MARTIN LUTHER King and Robert Kennedy in 1968 lent plausibility to the thought that the three Boston doctors who wrote the letter—psychiatrist Frank Ervin, and neurosurgeons Vernon Mark and William Sweet, all affiliated with Harvard and the prestigious Massachusetts General Hospital—ought to be given a chance. If they were onto something, assassins, mass murderers, and ghetto residents with "low violence thresholds" could be discovered before they committed acts of violence. *Life* magazine, in a cover story on James Earl Ray and Sirhan Sirhan, featured the three doctors: "A young science offers insight and a potential of remedy for a worried society," said *Life*, adding that Mark, Ervin, and Sweet "have already found a startling frequency of correlation between deviant behavior and brain damage."

By 1970, with the help of federal money—some of it from the Law Enforcement Assistance Administration (LEAA)—Mark and Ervin had started their Neuro-Research Foundation in Boston and were studying prisoners in the hope of finding the long-sought mark of the born criminal. Sooner or later, they promised, in a book entitled *Violence and the Brain*, subtle signs of the potentially violent person with "hidden brain disease," would be discovered. Phrenology was not dead: The search now focused not on earlobes, skulls, or noses, but on deformations of brain waves or chromosomes.

But many of the "successes" Mark and Ervin claimed in their book were in fact horrible abuses. For example, a man named Kille, whom they called Thomas R., was convinced by the doctors that his outbursts of temper toward his wife were caused by something in his brain. Surgery was proposed but he had second thoughts and tried to leave the hospital, although previously implanted "diagnostic" electrodes were still in his brain. The response of the doctors, Frank Ervin told me several years later, was to "con" him into staying long enough to allow them to stimulate his brain through the electrodes. And then, as Mark and Ervin later wrote, while Kille was under the influence of the electrical stimulation, they got his consent to destroy part of his brain. In their book, Kille's case is cited as proof that psychosurgery can cure violence-producing brain disease.

In 1976, eight years after his surgery, I met with Kille. Before his encounter with Mark and Ervin, Kille had been employed and had never been in a psychiatric hospital. He has since become a helpless, lifelong resident of a series of board and care facilities where he is kept heavily tranquilized. A malpractice suit is currently in the courts.

By 1972, only two years after publication of *Violence and the Brain*, Governor Reagan's administration was ready to blanket the state of California with facilities for spotting the "potentially violent." The originator of the program, known as the Center for the Prevention of Violence, was Dr. L. Jolyon West, head of UCLA's Neuropsychiatric Institute. West claimed that psychosurgeons had developed technical skills that "may permit" successful treatment of the kind of epilepsy claimed by some to cause violence. He also discussed implantation of monitoring devices in the brains of patients who were walking the streets. If sufficient funding were forthcoming, he said, he and his colleagues would attempt to discover a way to anticipate future violence using such implanted devices.

The Center for Prevention of Violence never got off the ground. The controversy surrounding it became so intense that funding was not approved. As a result of pressure from Senator Sam Ervin's Constitutional Rights Subcommittee, the LEAA not only denied funding to UCLA's project, but decided to stop supporting behavioral research altogether.

A grass-roots movement against psychosurgery was growing. The writings of Dr. Peter Breggin, a Washington, D.C., psychiatrist, were another important element in the development of widespread skepticism. By simply bringing to light psychosurgery's abysmal literature, normally read only by a small circle of enthusiasts, Breggin was able to get many in and out of government to recognize that the field desperately needed some outside scrutiny.

In addition, a series of events in Michigan seemed to indicate that stricter guidelines for psychosurgery were coming. At the Lafayette Clinic in Detroit, Drs. Ernst Rodin and Jacques Gottlieb hoped to cure mental hospital inmates and prisoners by treating violence via psychosurgery or with "feminizing" hormones. As it happened, Rodin and Gottlieb were able to find only one "suitable"

IT IS NOT SURPRISING THE PROPONENTS OF PSYCHOSURGERY JOINED THE RUSH TO CASH IN.

subject, a man imprisoned for 18 years for murder and rape who "volunteered" as his only hope of eventual release. Despite an obviously inadequate number of subjects to prove anything, the plans for psychosurgery went forward, clearing every review process, until Gabe Kaimowitz, on behalf of the Medical Committee for Human Rights, brought the matter to the courts.

A special three-judge federal panel heard from the experts, pro and con, for 15 days, and then held that psychosurgery should never be done on inmates of prisons or mental hospitals. Such inmates, the courts reasoned, are in no position to "voluntarily give informed consent." "It is

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impossible," the court noted, "for an involuntarily detained mental patient to be free of ulterior forms of restraint or coercion when his very release from the institution may depend upon his cooperation with the institutional authorities and giving consent to experimental surgery."

The court questioned the scientific basis of psychosurgery, pointing out the absence of a "clearly defined" group of symptoms for which surgery on specific brain areas would make any sense. The *Kaimowitz* decision in 1973 not only blocked psychosurgery on prison or mental hospital inmates, but also represented judicial recognition that psychosurgery was experimental rather than therapeutic.

CALIFANO'S DECISION MAKES THE COMMISSION LOOK LIKE HARD-LINE OPPONENTS OF PSYCHOSURGERY.

The March 1977 report of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, challenged both of these findings. First, the commission moved psychosurgery from its previously experimental status to a "potentially beneficial therapy." Second, it advocated using federal money to "encourage and support" the study of psychosurgery. Finally, the commission argued against the holding of the court in *Kaimowitz* that institutional conditions precluded meaningful consent to experimentation. HEW endorsed all but the last of these findings.

The commission sponsored two studies that it thought showed psychosurgery to be at least a "potential therapy" and perhaps already a workable one. One study was done by a group at Boston University under Allan Mirsky and Maressa Hecht Orzack. The researchers don't seem to have worried about getting a cross section of postoperative patients. Rather than being selected at random, the patients included in the survey were chosen by the surgeon who had operated on them. One surgeon, for example, asked only 19 of his 156 patients to participate in the study. Psychosurgery was then evaluated on the basis of whether the patient said it helped. A majority of those sampled said it did, saying things like: "it saved my life" or "it was like being born again." Mirsky and Orzack were struck by the fact that "the majority of patients . . . were protective of the neurosurgeon and reluctant to attribute blame to him."

Most of the patients were women who had received numerous shock treatments, which was true also in the commission's second study, done at MIT by Hans-Lukas Teuber, Suzanne Corkin, and Thomas Twitchell. They describe the number of shock treatments received by some patients as "astounding." Using the same testimonial method of evaluation, the MIT doctors reported that most of the patients they studied said the operation helped them, including the one patient who could serve as a control on the validity of the evaluation method. After burr holes were drilled in her skull, the operation was halted because of technical problems. Yet she too, although having had no psychosurgery performed, claimed that her operation was a success.

Like its Boston University counterpart, the MIT study is filled with recurring evidence of a placebo or suggestion effect. The researchers commented on this, writing that ". . . the vast majority of this particular surgeon's patients speak of him with expressions of deep gratitude, and often reverence. The descriptions tend to borrow terms from a religious context: One hears of a miracle, a rebirth, of finding oneself again, or of having one's life restored, and the surgeon as healer appears in these accounts with a special aura. . . ." One member of the commission, when questioned, even admitted that "no one, to my knowledge, has done a control study in which issues such as suggestion, loyalty to the physician, and complex other factors are involved."

While Secretary Califano waited, perhaps wishing to let the intense criticism of the report simmer down, the congressional Black Caucus, in particular, strongly pressured him. As Representative Ron Dellums (D.-Calif.) wrote, "The attitude of the report seems to be one of looking for ways to justify continuing psychosurgical experimentation, rather than one of looking for the truth about the technique and allowing the conclusions to grow from these findings." Demonstrating a better understanding of elementary scientific method than the government's hired experts did, Dellums added, "While it may be interesting to know that the patients in Dr. Teuber's sample were 'supportive' of the doctor who did their surgery, this is hardly an appropriate measurement of the results of the procedure performed. . . . By providing federal funding for experimental psychosurgery we are further opening the door to a whole range of questionable 'medical experimentation' which was so thoroughly condemned after World War II."

SUMMARIZING THE ENTIRE REPORT AS "an absurd travesty of the concept of research and of the ideals of science," Dellums concluded that "the American people have a right to be protected from the kind of self-serving, dangerous, expensive, and inhuman procedures outlined in this report."

What Dellums and other critics of the commission probably never anticipated was that Califano's ultimate decision would make the commission look, in comparison, like hard-line opponents of psychosurgery. The secretary did see fit to ban in federal facilities the use of psychosurgery on children, prisoners, and involuntary or legally incompetent mental patients. This will in fact make little difference in current practices. Virtually all of the operations are performed on mental patients who are in no position to consent on a truly "voluntary" basis. However, HEW has now rejected the commission's half-hearted effort to limit psychosurgery to facilities where "stringent procedural safeguards" would be established, in favor of the discredited system of local peer review.

While the commission urged federal funding for psychosurgery research—though it failed to face up to the impossibility of doing valid research—the government is now promising eventual funding through Medicare and Medicaid for psychosurgery as accepted medical practice. This may trigger a new wave of psychosurgery similar to the thousands of lobotomies performed in the 1940s and 1950s. It seems clear that if brain surgery on unsuspecting and vulnerable mental patients is to be checked, the impetus will have to come from concerned citizens rather than the professionals or the government.

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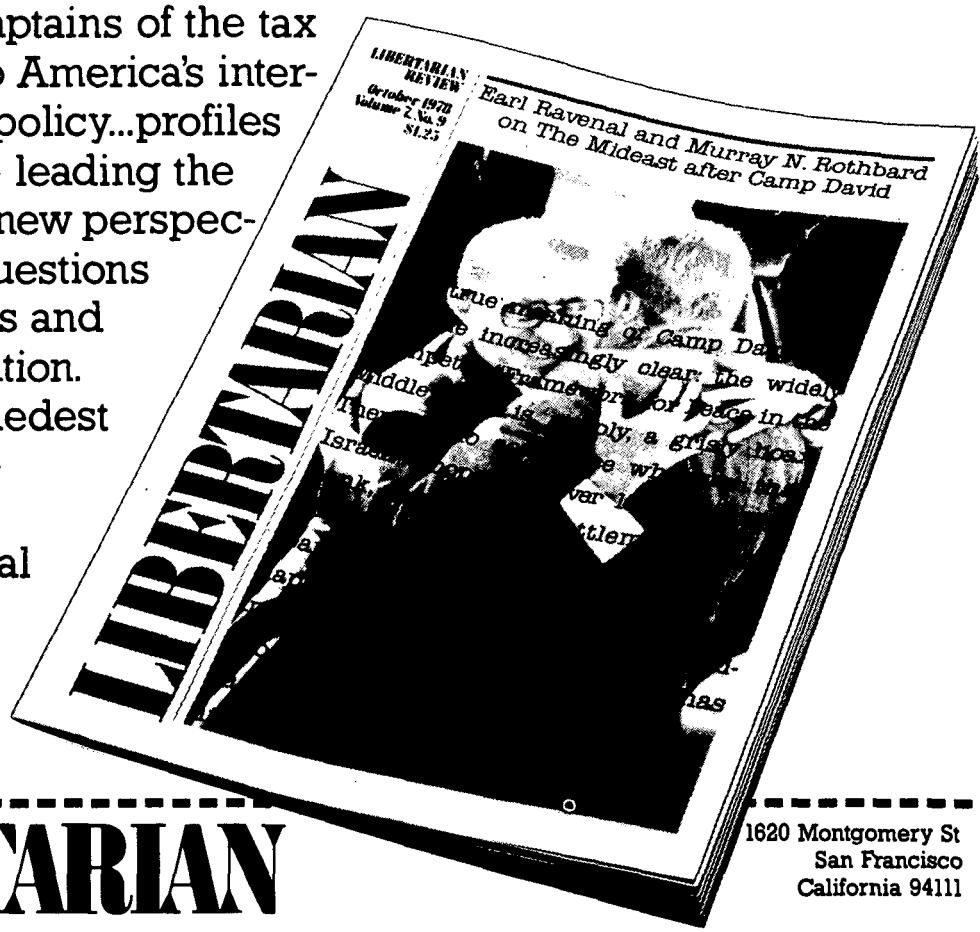

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A rewrite of the communications law has sparked debate that may undo the FCC's protection of TV station monopolies.

DECIDING TV'S FUTURE

By Ida Walters

LAST JUNE, THE HOUSE Communications Subcommittee released its draft of a new law revamping the entire Communications Act of 1934, and subcommittee chairman Lionel Van Deerlin (D.-Calif.) is shooting for passage by the House in 1979 and a completed bill ready for the President's signature before the end of 1980. The proposed law would in its present form, among other things, free cable TV from federal regulation; allow telephone companies to enter the cable field; virtually deregulate radio; lessen regulation of TV; make the duration of broadcast licenses indefinite; and levy fees for use of airwave frequencies.

The bill also purposely deletes the present requirement that regulation of broadcasting be "in the public interest" and would instead permit regulation only "to the extent that marketplace forces are deficient." Either phrase is no doubt intrinsically meaningless, but swapping the one for the other will significantly affect administrative and judicial interpretation. The new language makes competition rather than regulation the norm in elucidating the aims of the legislation. Instead of the Federal Communications Commission there would be a Communications Regulatory Commission, with five members rather than the seven now appointed.

The bill recognizes some of the vast shortcomings of the current FCC-run system and without fundamentally challenging it, attempts to modify it. To this end it would tax away the monopoly profits created by the FCC's allocation plan for TV channels, by levying frequency-use fees on broadcasters. These fees would be based on the frequency's worth as determined by its scarcity value. In other words, fees are highest for the network-owned stations and the most profitable network affiliates. These fees are expected to yield more than $250 million annually and would be used to support public-broadcast programming, minority ownership of stations, and rural telecommunications, as well as pay the costs of broadcast regulation.

The authority to determine the uses to which broadcast frequencies are put, would be transferred to the National Telecommunications and Information Administration. NTIA would also be given a new name and become an executive branch agency outside the cabinet departments. Nevertheless, Henry Geller, chairman of NTIA and former FCC counsel, complained at the hearings on the bill this fall that the proposed law gives his agency only "primary" authority to allocate uses of frequencies. (Once upon a time, NTIA was the White House Office of Telecommunications Policy, which Carter's first reorganization made a brand new, 280-person addition to the Commerce Department.) Geller advised that the word "primary" be deleted. He also argued that NTIA should be granted the authority to set national communications policy.

Geller's critics, especially broadcasters, argue that if he gets his way the White House could use NTIA's power to punish or get rid of unfriendly TV stations. Geller replies that such fear is "unfounded" since the agency would be independent. His claims, however, ignore political realities.

Former FCC commissioner Nicholas Johnson, now at the helm of the National Citizens Communications Lobby, is appalled by the proposed bill because it will "deed television licenses to the current operators in perpetuity," thereby allowing the poisoning and contamination of the airwaves (his metaphor).

The Carter administration has yet to voice an official opinion on the proposed new communications law. This may well be an attempt to avoid the kind of political embarrassment suffered by President Ford who, after initially pursuing cable reform, totally capitulated to pressures from the networks to drop it.

Now that deregulation of cable television—and communication reform—is possible, how have the networks and other politically powerful broadcasters responded? A recent report of the National Association of Broadcasters (NAB) denounces cable, saying it will "transmit borderline pornography, deceptive and irresponsible advertising, subversive propaganda, the outpourings of the lunatic fringe and the appeals of countless others whose appearances have thus far been minimized by broadcasters' responsibility to program in the public interest."

The NAB produced research "proving" that the market for nonbroadcast fare is minuscule, and then claimed that allowing cable firms to cater to it would "destroy the greatest communications system in the world." The NAB has pounded away at the high price of cable service, cable's ability to cater to highbrow minority tastes, and even a supposed danger of social divisiveness, charging that "fractionalizing the 'shared' television screen would heighten the cultural tendency toward disunity and disorganization."

The cable industry, which has always fought FCC restrictions on its expansion, now wants to be federally regulated; that is, it wants protection from restrictions that state and local governments might impose on it, and

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also protection from "the largest monopoly in the world—the telephone company," which has a network of wires already in place that could be used for cable TV. Robert Schmidt, chairman of the National Cable TV Association, stated at the hearings: "It strains credulity to assume that a communications service [that reaches one in five households] would be ignored by the federal communications agency." This led a naive subcommittee member, Representative W. Henson Moore (R.-La.), to declare he thought it was "unbelievable that an industry would refuse Congress's offer to deregulate it."

Representative Van Deerlin, the bill's chief sponsor, said he might be willing to include regulation of cable TV in his next draft, and also to limit the telephone company's provision of cable service to rural areas where other cable companies cannot profitably build systems. By the end of the first round of hearings, Van Deerlin had indicated that there wasn't a single provision in the draft on which he wouldn't compromise—"if it would help the bill to eventually pass."

In short, it's anybody's guess where this proposed bill is going. A Washington lawyer recently told David Burnham of the *New York Times* that though the odds on passage were much better than they would have been two years ago, they are still 10 to 1 against passage. The Senate's version of a communications law may be ready later this year.

One way or another, cable systems are likely to expand, with pay cable in the competition for viewers. If it begins to look as if broadcasting profits will be significantly diminished, however, there will be pressure to do one of two things: deregulate TV broadcasting so it can better compete by expanding its programming to meet more viewer demands, or heavily regulate broadcasting's competitors.

The decision will not be easy. In the past the commission has chosen to restrict competition. Now, however, such anticompetitive regulation is under heavy attack, and the FCC has been forced to retreat. It appears that only legislation that provides the FCC with clear authority over not just broadcasting, but all technologies that deliver video programming to the home, will be required to enable the FCC to exercise the kind of power it previously exerted.

Such power naturally appeals to legislators, regulators, and other interest groups angling for some control over electronic mass communications media. But since the "scarcity" argument used in the case of broadcast frequencies cannot be used to justify regulating cable systems, or direct-to-home transmissions from satellites, such comprehensive regulatory legislation will be difficult to pass.

AT PRESENT, TELEVISION viewers are constantly mocked by the numerous silent channels they must flip past in their search for something to watch. Eager for greater choice and variety, they may wonder why TV is limited to so few channels and why these offer fare that is so similar. The explanation is astonishingly simple: The Federal Communications Commission planned it that way.

In the 1940s, 12 frequencies in the VHF (very high frequency) broadcast band of the electromagnetic spectrum were set aside for television signals. The FCC carved up the country into dozens of adjoining "communities" and allocated to each a few airwave frequencies. To prevent interference, the transmitting power of each station was limited so that no broadcast signal could extend beyond the geographical boundaries drawn by the FCC.

The FCC's plan limits viewing choices to a fraction of what is technically possible, since 12 national stations could fill the entire VHF channel capacity with programming. With 12 choices, each able to draw upon the entire country for its audience, it would become profitable to appeal to other than the lowest mass taste.

The allocation plan affects station profits in at least two ways. On the one hand it protects them by limiting the number of competing broadcast signals in an area. On the other hand, the FCC's plan ties a station's prosperity to the number of homes its signal can reach because broadcast profits are derived from advertising revenues, which are based solely on the number of viewers a station's programming attracts. The plan, therefore, delayed the introduction of TV to thinly populated areas for years, even decades, and created superrich stations in densely populated allocation areas together with marginally profitable ones in less populated areas.

Dismantling this structure is likely to prove difficult, in part because of entrenched support for government policies dictating that broadcast stations be locally oriented. Armed with the authority to act in the name of the "public interest, convenience, and necessity," the FCC has always insisted that TV (and radio) stations should originate programs specifically directed toward the area in which they are located. This policy, quite appropriately, is known as "localism." Politicians in the meantime have not failed to notice that local stations roughly match electoral districts and provide a forum for reaching voters, while access for and favorable coverage of political figures may often depend on how well broadcasters' interests are protected.

Localism was imposed on television, as it had been on radio, through the frequency allocation plan. It was further enforced by requiring stations to provide a certain amount of news, public affairs, and other locally oriented programming as a condition of licensing. Except for news, which is produced profitably by most stations, such programming is very costly to present, since it generally attracts so few viewers that advertisers won't support it.

Lest anyone imagine that the localism doctrine is merely a Jeffersonian impulse toward independence and autonomy that has gone slightly awry, the frank discussion of the FCC's role in a 1958 staff report of the Senate Commerce Committee makes clear that this is a centralized plan that is being applied locally:

> The initial choice of the type of service to be proposed for a given community should, of course, be left to its citizens or to entrepreneurs who are willing to undertake to install the facilities necessary to bring television to the area. However, if we are to have an orderly development of our communications system, the final determination of the type of service best fitted to the particular circumstances should be left to a centralized agency, which must mean the Commission.

The Nixon administration had its own variety of localism. Nixon's broadcast reform proposal sought to put the onus for any controversial network programs on local stations at license renewal time. Fearful local stations, the White House hoped, would then reject network programs that might offend some local pressure group. In a sense, the Nixon strategy was a version of the Burger Court's "community standards" criterion for obscenity — applied in this case through the regulatory process to put limits on the political content of broadcasting.

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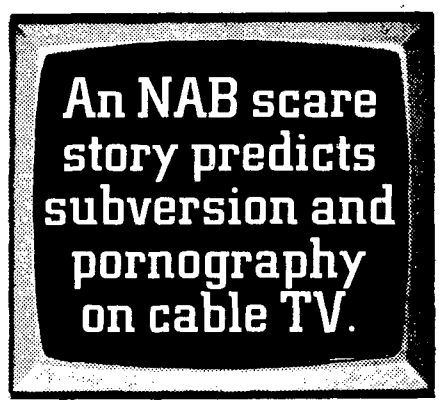
To achieve localism, the FCC has been willing to defy consumer preferences and the economies of broadcasting, as well as to inhibit the full development of television and, of course, of all competition to it. In other words, the FCC has deliberately prevented television from evolving naturally into national and regional stations that would have filled up the channels with diversified programming.

The FCC's present pattern of allocations was drawn in 1952, when the commission, realizing that programming supplied by the three networks (via microwave and telephone lines) was undermining its plan for localism, allocated hundreds of additional stations. It did this on the same basis as its earlier allocations, a few to a community—but this time it defined more communities. These allocations involved breaking up the 70 frequencies in the UHF (ultra high frequency) broadcast band. The UHF stations allocated to the larger cities, and those few that became network affiliates, have fared reasonably well. The great majority, however, are marginal operations.

Because of frequency differences, UHF signals are not as well received on the average set as VHF signals. More transmitting power and relay transmitters would remedy this, but that would violate the promise that these stations would be even more "local" than VHF stations. In addition, UHF stations cannot afford to compete with the national programs offered by network affiliates in their market, and they could never afford to operate in markets that did not support network affiliates. Also, the UHF stations have been even less successful than VHF stations in providing locally oriented programs. It is obvious, even to the FCC, that this requirement is beyond the discretionary revenues of most of them.

At any rate, the entire scheme overlooked the possibility that television broadcasters might one day encounter competition from other technologies that could supply viewing alternatives for the home video set. Since the FCC had saddled local stations with unprofitable programming and kept them from expanding beyond their allocation areas, broadcasters inevitably appealed to the commission for protection when competition emerged.

In an effort to preserve the status quo, the FCC and the broadcasters put forth the claim that competition would sink 50 percent of all television stations.



They have contended that this would rob millions of viewers of "free" entertainment and local programs, and would reduce the overall quality of such programs—assuming a direct correlation between quality and budget—since programming costs would be spread over a smaller audience. In the name of its commitment to the "public interest, convenience and necessity" the FCC rejected, strangled, shackled, and in every other way restricted potential rivals.

In the case of cable TV, which posed the greatest challenge to the FCC's plan and to the stations created by it, these restrictions, in effect for more than fifteen years, eventually were seen as unreasonable—even by the courts and some members of Congress who had previously supported protection of TV broadcasting.

DURING THE 1950S, PAY broadcasting was introduced. This is over-the-air subscription TV where a specially scrambled signal is sent out and subscribers pay by the month, or directly into a box attached to the set, to have the signals unscrambled. The FCC immediately restricted pay broadcasting so that its programming would not compete with commercial TV. Pay TV faded, but reemerged recently when freed by the courts along with pay cable in late 1977.

Technological advances in frequency use since 1952 have made it possible to use the VHF band for more than 12 channels, yet all applications to broadcast on these additional frequencies have also been rejected. Again, the FCC successfully argued that it was in the public interest to protect established TV broadcasters' ability to provide local programming. Today, only 30 percent of television homes receive a UHF station—and even this is thanks in part to cable systems that put reception of UHF signals on a par with VHF reception.

Ironically, the FCC's allocation plan, barring TV reception in millions of homes, actually spawned the cable industry. In the late 1940s, cable companies rushed in to fill the artificial gaps that had been created in the market. They began by building tall "community antennas" to pick up an area's broadcast signals, then ran these through cable to subscribers at the fringe of the broadcast area where reception was poor, and beyond, where no reception was possible. Later, to attract more subscribers, cable systems "imported" signals from distant markets (via microwave).

Broadcasters complained, but the FCC in 1959 refused a congressional nudge to regulate the cable industry, on the ground that it had no jurisdiction. In truth, it did not think the administrative effort justified; it expected cable systems to disappear as its plan for spreading communications succeeded. When this hadn't happened by 1965, the commission virtually froze cable television.

"The Federal Communications Commission backed into regulation of cable [in 1965] . . . because of its potential negative impact on conventional broadcasting," noted a January 1976 report of the House Communications Subcommittee.

Lee Loevinger, a commissioner at the time, raised an angry voice in 1965 against what the FCC was doing. He said:

> We are going to set up . . . little, local marginal stations [in every hamlet and crossroads town] that might not exist otherwise, but . . . we are going to have a system which is dependent upon the favor of Government for its continued existence . . . [The FCC] has made its allocations, . . . but if the market does not use them, we will institute measures to see that the market has got to use them one way or another. We will do this by denying them every other outlet but the one that we favor.

Through its power over microwave common carriers, the FCC halted further imported signals and refused to license cable companies to build their own microwave facilities. Still later, when cable systems could receive programming from satellites for their pay cable channels, the FCC prohibited them from competing with TV for most premium programming, and required them to construct $100,000 earth receiving stations when $20,000 facilities would have sufficed. The restrictions on imported programming and on pay cable left the cable industry with little to offer in areas where there

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were numerous broadcast signals and where reception was good.

Furthermore, as dissenting Commissioner Loevinger pointed out at the time, these restrictions on programming limited "the choice of the public," interfered with the workings of the economy, and intruded "into the area of free speech."

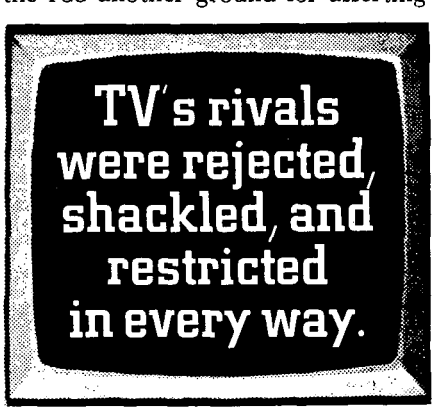
Even with all the obstacles placed in its path, cable was to many a medium of considerable potential. During the late 1960s and early 1970s, the telephone company tried to enter the cable field, but was prohibited. The networks, too, were barred from owning cable operations, but that didn't stop them from producing programming for cable. Eventually that too was prohibited, on the familiar ground that it might rob free TV of the programs needed to keep large audiences and the revenues that facilitate localism.

As far as the FCC was concerned, cable TV was to have no negative impact on broadcast TV. By 1972, however, the FCC could no longer justify the freeze: TV could not point to any grave harm attributable to cable systems established prior to 1965 that were carrying imported programming. The commission lifted the freeze, replacing it with enough restrictions to make cable, in its own words, a "supplement to TV"—not a rival.

Naturally, the FCC saddled cable systems with localism, requiring large new systems to provide three public access channels (later upped to four) —essentially free of charge—plus the equipment, facilities, and personnel to run them. But a federal appeals court in 1978 ruled that Congress had not given the FCC the authority to impose such requirements. Furthermore, the court held that even if Congress had done so, such powers would probably be unconstitutional as violations of the First Amendment's free-speech guarantees and the Fifth Amendment's strictures against uncompensated taking of property. At the request of the FCC, the American Civil Liberties Union, and various other lobbying groups that favor compulsory access rules, the High Court agreed to review that decision. It may rule, probably before a new communications act can be passed, on whether cable is to be treated like broadcasting or like newspapers—which the Court has said have a First Amendment right to be free of compulsory access laws.

Developments in the courts have also affected the destiny of pay cable. Since the 1977 court decision lifting past restrictions on programming, pay cable has greatly diversified. The new cable systems have numerous "per program" pay cable channels where more specialized programming at varying prices can be "ordered" and computer-billed monthly. For example, one pay cable system recently offered the La Scala production of *Cavalleria Rusticana* for $2.50. With no technical limitation on the number of cable channels that can be offered, and the market as the sole limit on what types of programming can be presented on them, cable producers can more efficiently match production expenses to viewer interests. Cable audiences, by their spending patterns, can make their preferences known, and satellites, transmitting to a number of cable systems, can gather these audiences, even though they are relatively small.

IT IS EASY TO ACCUSE THE FCC in its anticable efforts of blindly equating the fate of the broadcasting industry with the public interest, but this misses the larger point: The FCC was compelled to restrict, deny, and reject broadcasting's competitors in order to protect broadcasters' and the government's interests, not the public's as it claimed. Any significant threat to broadcasting's role as the dominant programmer of the home video set would also be a direct threat to the allocation plan, to localism, and to the government's role in broadcasting. As dissenting Commissioner Loevinger pointed out in 1965, restrictions on cable programming were "based explicitly on the premise . . . that the FCC will continue to require local stations to present local live programs and will supervise these programs." The protection offered to local stations by these restrictions on cable, Loevinger added, "simply gives the FCC another ground for asserting the right to supervise the programming of local stations." In other words, the FCC's system built around its allocation plan is a seamless web, and the FCC itself could see that modifications threaten to unravel the whole thing.



Yet with a competitor like cable, and with video cassettes and discs expected to play an increasingly larger role in home viewing, it is easy to see that broadcast TV requires total flexibility if it is to survive and flourish.

Now, after the FCC has spent 25 years defending its plan, what is the net result? At last count only 700 (500 VHFs and 200 UHFs) of the plan's proposed 2000 stations are operating on a commercial basis, in only 218 of its proposed 1300 markets. Since broadcast licenses are not expensive, and since they are well-known moneymakers, why haven't the other 1300 station allocations been snapped up? Because the plan creates hundreds of markets that do not contain enough viewers to generate the advertising revenues necessary to support popular programming and thus make the operation profitable. The allocation plan has meant that—with or without competition—a station can rarely operate profitably in a market outside the top 100. Stations in the top-100 markets, about half of all existing stations, earn a whopping 82 percent of total TV profits. This leaves the remaining stations in the bottom 118 markets with a very small portion of the total TV profits to divide.

Stations in the largest cities reach millions of viewers and make money. Networks, through these and other affiliated stations, reach many more millions and make more money. Networks supply 80 percent of all programming to 75 percent of all stations. The 15 stations (five each) owned by the networks are in the most heavily populated markets and together earn 20 percent of all TV profits, more than all stations outside the top-100 markets (about 350) put together. (Network affiliation doesn't confer profits automatically: It confers priority access to programming that is most in demand, but the affiliate's profits are still based on the number of viewers in its area, and many affiliates are marginal operations.)

The three-network system is often said to have a stranglehold on TV programming, but the allocation plan dictates this. Three is the maximum number of stations (either because of the FCC's frequency allocations or be-

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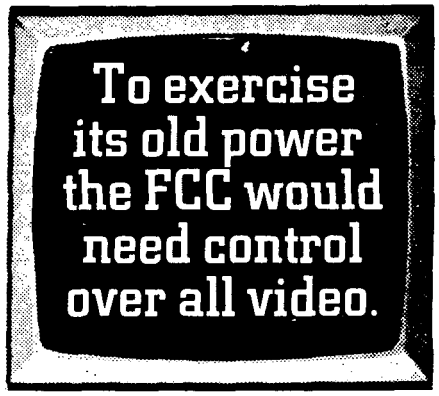

cause of market population) that can be received by about half of all television homes: A fourth source of national programming would have access to half the viewers that the present networks can reach. The complaint that TV programming lacks any real diversity, may also be blamed to some extent on the allocation plan. Limiting viewing to mainly three choices has meant that they all must appeal to the same viewers. The same thing would happen if automobiles or hats could come in only three styles. All three would be pretty much alike because that would be the most profitable way to market them. But when more choices are allowed, manufacturers of cars and hats diversify their product, satisfy more tastes, and still turn a profit. This would surely happen with a doubling or tripling in the number of national TV choices.

A prime-time network program must attract viewers on roughly a third of all sets in use at the time it is shown, or it will be cancelled. A recent critically acclaimed TV show on the life of Benjamin Franklin drew 15 million viewers, but was not considered a commercial success. Whereas if every household had eight or ten choices instead of three, programming that appeals to a much smaller percentage of viewers could be considered successful since the criteria for success (market share) would change with the addition of more viewing choices.

HOW CAN BROADCAST TV acquire the flexibility it obviously needs to compete with its new technological rivals? How can we eliminate the program controls that have shackled the communications media and that remain an avenue for government intrusion? Property rights in frequencies have been advocated for decades by economists—notably Ronald H. Coase, at the University of Chicago—and others of various political persuasions. They say that having property rights in frequencies is the most direct route to liberty and diversity in television. Henry Goldberg, a communications lawyer in Washington, D.C., who is an authority on broadcast regulation, said in an interview with *INQUIRY* that "getting rid of the FCC or lessening its authority, and providing for property rights in frequencies is the *only* way to achieve both freedom and abundance in TV broadcasting."

Property rights in frequencies would almost certainly result in changes in the manner in which frequencies are used and would lead to the creation of numerous national and regional stations. With property rights, a marginally profitable station's frequency could easily be worth more than its present value if sold or rented to a station seeking a clear coast-to-coast channel. A VHF station might find it more profitable to dispose of its VHF frequency and acquire a less expensive UHF frequency, or to rent a cable channel for its programming. With ownership rights in frequencies — which would be protected by the courts from intrusions by signals from interfering transmitters like any other property right protected against trespass—all sorts of rearrangements for more efficient and profitable frequency use are possible, including use of the same frequency at different times by a local station and a clear-channel station. No doubt one or two national stations would present pay broadcasting, with programming that attracts enough paying subscribers to support it but not enough viewers to justify support from advertisers.

Such changes in frequency use would spread the costs of eight or ten programming choices over a national audience. Vast, thinly populated areas would at last have more than one or two viewing choices. (Several million homes in these areas still cannot receive television broadcasts.) Because of the expense, cable systems cannot now service these areas any more profitably than local stations can. But national stations need only clear channels and relay transmitters to serve them.

Radio has long had clear-channel stations. In the early days radio was not very profitable. Licensees wanting low-powered local stations were few and far between, except in the largest cities. The public demand for radio service, however, forced the FCC to permit a few high-powered, nighttime only, clear-channel radio stations, by licensing half the AM stations for daytime operation only. Millions of listeners not reached by their nearest low-powered local station during the day, could at least have radio at night. On December 19, 1978, the FCC gave its blessing to abolishing these 50,000-watt stations and replacing them with 125 slots for local stations. The Van Deerlin draft would also break up these clear-channel stations so that "every community, regardless of size, is provided with maximum, fulltime local broadcast service." A spokesman for the Clear Channel Broadcasting Service testified that this would leave 26 million people without any radio at all.

As can be seen, the proposed bill, despite what critics claim, by no means turns the "public" airwaves over to private use. Neither would it do much to benefit viewers of broadcast television. It shows that at bottom the House subcommittee is more concerned with localism and the measure of control this allows government over TV broadcasting than with whether there is to be more variety in TV or with whether broadcast TV is able to compete well with its technological rivals.

Yet now that the once novel idea of fairly unrestricted use of frequencies in exchange for payment is actually being seriously advocated, it is only a short—but all-important—step further to establish full property rights so that TV itself has the greatest flexibility possible and TV's competitors will not be restricted from expanding and providing additional services that are in demand. Property rights in frequencies would encourage diversity and would put an end to compulsory localism and to government oversight of programming in the "public interest." Such policies may have been lucrative, but they have limited television's potential and denied First Amendment rights to broadcasters, and by extension, to their competitors.

As Congress is about to review the structure and goals of communications law, we repeat the question raised earlier: Will cable be recognized as a legitimate challenger to television broadcasting and TV itself be free to respond to this competition in ways that have long been feasible technologically, or will Congress give the FCC additional authority so that it can "plan" broadcast TV's competitors?

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A DANGEROUS PLACE, by Daniel Patrick Moynihan with Suzanne Weaver. Little, Brown, 297 pp., $12.50.

Bill & Irving & Ken & Patrick

MURRAY N. ROTHBARD

ONCE UPON A TIME IN America, there was a left and a right and a center, and within these clearly discernible segments of the ideological spectrum there were distinctly calibrated gradations. Everyone could find an ideological niche without much trouble, and knew pretty well where everyone else stood too. Everyone knew who were the good guys and bad guys, and the varying degrees of rectitude of the guys in between.

By now it is almost a cliché that the old ideological points of reference are no more; that left, right, and center cannot be identified even with a scorecard. One way of describing these changes is to say that left and right have been collapsing toward the center, that is, toward the locus of power. Interests of state have increasingly taken over, leading the "responsible" elements within each ideological group more and more to resemble one another.

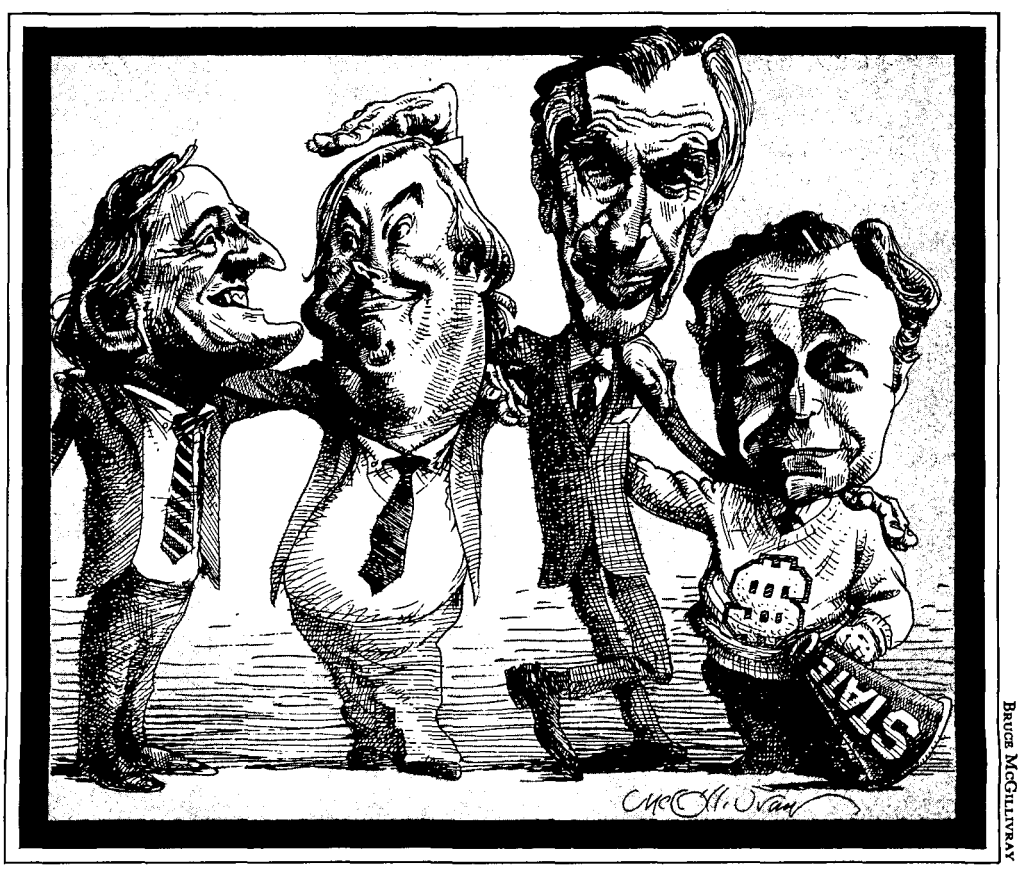
We have reached the final pages of Orwell's *Animal Farm*, in which the pigs, who had previously been the vanguard of the successful animal revolution against man, now walk erect and even live in the farmhouse, and "the creatures outside looked from pig to man, and from man to pig, and from pig to man again; but already it was impossible to say which was which."

Specifically, it has become almost impossible to distinguish "responsible" *National Review* conservatism from right-wing social democracy or from neoconservatism, and even, in some respects, from left-liberalism or the democratic socialism of the Robert Heilbroner variety.

How much difference is there, after all, among William F. Buckley, Sidney Hook, Daniel Patrick Moynihan, Nathan Glazer, Norman Podhoretz, and Irving Kristol—or even between them and Heilbroner and John Kenneth Galbraith? Admittedly there are differences of style, of traditional rhetoric, of ethnic roots, and especially, different persons and institutions each of these thinkers will salute on days of ritualistic obeisance. But the substance is all too similar. While Galbraith, for example, may twit and needle the Pentagon about this overseas adventure or that bloated budget, he did agree with Moynihan that on Vietnam liberals had to remain in the loyal opposition.

When it comes to Buckley, Moynihan, and Galbraith, even the differences of style and rhetoric begin to disappear. Each is the alleged wit, the aging Peck's Bad Boy, of his respective ideological camp. Each titillates his audience with a seeming audacity and irreverence that serve only as a cloak for the prejudices both of the establishment and of the constituencies for whose benefit these gentlemen go into their respective acts.

While Galbraith is the WASP ironist, the tall, distinguished chap whom



BRUCE MCGILLIVRAY

MURRAY N. ROTHBARD is a contributing editor of INQUIRY.

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Mary McGrory, in her repellently gushing way, has called "the Rex Harrison" of American politics, Buckley and Moynihan are two peas in a pod. Each is an Irishman-turned-aristocrat, the sort of man whom Irish-Americans used to call "castle Irish." Each uses his wit and learning as a cover for the verbal mugging of anyone who gets in his way. Each is a supreme exhibitionist, always center stage, always filled with fustian and bravado, playing to the peanut gallery as well as to his peers, and trumpeting his own righteousness and moral heroism. To each man, the principles he champions pale before the aggrandizement of self that makes by far the more lasting impression. In short, two politicians perfectly suited to the age of television.

*IN DANIEL PATRICK MOYNI*han, however, the folding of the ideological spectrum into the center of power, the subordination of principle to self, has reached its apogee. Whoever the President, whatever the party in power, Moynihan always manages to land on his feet, and on top. *A Dangerous Place* is Moynihan trumpeting Moynihan's exploits at the United Nations, and it is unquestionably the first shot in his own eventual campaign for the presidency.

The reviewer of this book in *Business Week* likened Moynihan to Talleyrand, and Moynihan does seem to have a similar talent for political survival. Two men, Moynihan and Ralph de Toledano, instructed Richard Nixon in his early days as President that he was destined to be the "American Disraeli." De Toledano got short shrift and is now forgotten; Moynihan became a high aide to Nixon, ambassador to India under Nixon and Ford, ambassador to the United Nations under Ford, and now the Democratic senator from New York, and, indirectly, a considerable power in the Carter administration.

The book bolsters our view of the new grand alliance of the center. It is full of praise for what those stuck in the old categories might think an unlikely collection: Galbraith, Kristol, Buckley, Podhoretz and *Commentary*, Daniel Bell and the *Public Interest*, Bayard Rustin of Social Democrats USA and the *New Leader*, the social democrats' house organ. And it is not lost on the reader that all these personages and institutions have nothing but praise for Moynihan.

The spirit of the encomiums may be gauged from Galbraith's characteristically clubby and "wonderfully warm" tribute sent to the Senate Foreign Relations Committee on the occasion of Moynihan's nomination as ambassador to the United Nations: "my fellow Ambassador to India; my fellow faculty member [Harvard, of course]; my next-door neighbor; and though I have no wish to damage him in the eyes of any of the Republican members of the Committee, my fellow Democrat."

But through all the treacly, above-the-battle in-groupiness and the opportunistic tergiversations, certain consistent tenets come through, not only within Moynihan's career, but also linking Moynihan and his buddies of left, right, and center. There is, first and foremost, virtually unconditional support for the American state, at home and abroad. In military and foreign affairs, this means a highly militaristic and aggressively jingoistic foreign policy, a policy well served by Moynihan's anti-Soviet and anti–Third World bluster at the United Nations.

Moynihan's recent attacks on the "defeatism" of the Carter administration in its response to Soviet efforts in Africa and strategic arms negotiations were heralded by conservative columnist George Will, who concluded, "What is at issue is fundamental. It is the adequacy of the administration's policy affecting the safety of the state." In his book Moynihan enthusiastically quotes Buckley's call, in his *United Nations Journal*, to "concern ourselves with . . . the order of moral reality." To which Buckley—with Moynihan approving—adds: This "is a point that should not separate American conservatives from American liberals, or British and French conservatives from their domestic socialists."

The second tenet that guides all of these worthies, whatever their rhetoric or alleged ideology, is all-out, down-the-line support for the state of Israel, regardless of circumstances, and regardless of the politicians or parties in charge there. Indeed, most of this book is devoted to Moynihan-as-heroic-partisan for Israel, any opposition to which he automatically equates with anti-Semitism. To make sure no one misses the point, one of the blurbs on the cover is by Chaim Herzog, Israel's former ambassador to the United Nations. It would be no coincidence if Moynihan's center-right Democratic constituency were in turn to respond to these themes with an outpouring of political and financial support in his forthcoming senatorial and presidential campaigns.

On the domestic front, the state is to be lean and mean, an efficient backstop to the foreign policy of war and global intervention. Moynihan tells the story of how he first made his mark on the ideological and political scene, and, simultaneously, kicked off our current neoconservative mood. It was in the fall of 1967, at a meeting of—as luck would have it—the national board of Americans for Democratic Action (ADA). Moynihan, a member of the board, spoke on "The Politics of Stability."

As he tells it: "I proposed first of all that liberals 'see more clearly that their essential interest is in the stability of the social order' and argued that we needed to make effective alliances with informed conservatives who shared that interest. We had to learn the limits of the huge hierarchical structures of central government." His speech was hailed at the time by the same seemingly motley crew that has collaborated ever since: John Kenneth Galbraith (then head of the ADA), William F. Buckley, Bayard Rustin, and the *New Leader*, which printed the full text. As Moynihan comments: "Conservatives and social democrats scarcely knew each other at this time. Yet their concerns were powerfully symmetric, and they were looking, I think, for persons of the center who understood them." They didn't have to look very far. From then on, Daniel Patrick Moynihan continued to follow his star.

*THE CREED THAT INDIS*solubly links Moynihan and all of his cohorts, left, right, and center, was well summed up in a scroll presented to Moynihan in June 1975, on his nomination as ambassador to the United Nations, by the Coalition for a Democratic Majority, the self-appointed voice of the right and center of the Democratic party. The scroll hailed Moynihan for his devotion to "a strong America in national defense, international affairs, human rights and economic life." In short, for devotion to big American government, at home and abroad. Symbolism was rife that day in Washington: The scroll was presented by Bayard Rustin, and the ceremony was presided over by Senator Henry "Scoop" Jackson, while the doyen of ADA liberalism, Hubert Humphrey, "cheered from somewhere

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across Washington."

The collapse of ideological groups toward the center and toward the American state has even been going on at the farther extremes of the spectrum. In foreign policy, at least, the Maoists are now ultrahawks, thirsting for war with the Soviet Union, making the Reagans and the Buckleys seem like devoted pacifists. Much of the former New Left, once so scornful of social democracy as a capitulation to corporate liberalism and the New Deal, has either gone back frankly and openly to the Democratic party, or has joined such former enemies as Michael Harrington and Irving Howe in the Democratic Socialist Organizing Committee, designed as a left-wing ginger group within the Democratic party.

And now Dale Vree, in the *National Review* (Dec. 8, 1978), writes an astonishingly candid article tracing a possible alliance of "traditionalist" conservatives with such socialists as Robert Heilbroner. Why such an alliance? Because Heilbroner, in a symposium on socialism in Howe's *Dissent* magazine, let the cat out of the bag and acknowledged that socialist central planning must include the coercive imposition of a collective moral conformity. Vree is "fascinated" by Heilbroner's emphasis on "virtue" and by his point that "socialist culture must focus on [the individual's] . . . *moral or spiritual achievement*," in contrast to "bourgeois culture" which "is focused on the *material achievement* of the individual." In the future, the ideals of the collective must override the rights of the individual to pursue his own cultural achievements and lifestyle.

Vree is intrigued by the "traditionalist ring" to all this, and he sees in the situation the makings of a new ideological "fusionism," a fusion of economic *and* cultural collectivism, of those socialists and traditionalists who are authoritarian in both of these areas; a fusion, in short, of all those, left, right, or center, who wish to exalt the power of the American state in all aspects of life, personal and economic. As Vree puts it, "If the writings of such different socialists as Robert Heilbroner, Christopher Lasch, Morris Janowitz, Midge Decter, and Daniel Bell are indicative of a tendency, we may see the rise of a socialist-traditionalist fusionism." And then Vree concludes wistfully: "One wonders if America contains any 'Tory Socialists' on the right side of its aisle who will go out to embrace them."

Well of course it does: the man who once called Richard Nixon the American Disraeli. Something happened to Richard Nixon on the way to his canonization. But we still have Daniel Patrick Moynihan—bully, buffoon, mountebank, Zionist, castle Irishman, left-wing conservative, right-wing social democrat, and fugleman for the American state. ❑

SIDGWICK'S ETHICS AND VICTORIAN MORAL PHILOSOPHY, by J. B. Schneewind. Oxford University Press, 465 pp., $39.00.

The sober Sidgwick

ALAN RYAN

*THE SOBRIETY AND EX*actness of the title of J. B. Schneewind's book on the moral philosophy of Henry Sidgwick are matched by the sober precision of the contents. Professor Schneewind's subject matter is the development of moral philosophy in Victorian England, and, above all, the place of Sidgwick's best known work, *The Methods of Ethics*, in that development. A good deal of the story, especially when it is treated as it is here, will inevitably be of more interest to the professional philosopher or historian of ideas than to the lay reader. Even the professional will find some of it pretty rough going, but he will be unlikely to complain.

Ever since the first appearance of *The Methods of Ethics* in 1874, the universal view has been that Sidgwick's great strength as a thinker lay in the calm, unhurried, and unflustered fashion in which he disentangled the muddles of both common-sense and abstruse philosophy. The first edition of *The Methods of Ethics* ran to 473 pages of closely packed print—and Sidgwick was not a loose writer, even when he was repetitive in the interests of recapitulating just what ground had been gained, before attempting to advance further. Nobody will complain when Schneewind treats Sidgwick with the same scrupulous concern for intellectual justice that marked Sidgwick's own work.

There is a good deal here for the layman, too. Sidgwick was an exemplary figure in many of the social and intellectual changes that Victorian England underwent during his lifetime. He was born in May 1838, not quite a year after Queen Victoria's accession, and he died in August 1900, some five months before the Queen's own death. And he was a very Victorian figure, not in the sense of being a smug, top-hatted, pious, and blinkered don, buried in the obscurity of a Cambridge college; but rather in the sense that he was racked by the religious doubts of the age, he was excited by its intellectual advances, and he possessed a range of talents and an energy in exploiting them that are likely to leave his successors limp and envious in the contemplation.

Sidgwick was a brilliant classicist; as a literary critic, he wrote an essay on the poetry of Arthur Hugh Clough that remains one of the half-dozen best pieces ever written on the subject; he was an economist of far above average ability, if not in the same class as his friend Alfred Marshall; he was a founder of the Society for Psychical Research and a dab-hand at exposing fraudulent mediums and clairvoyants. He founded Newnham College, the first women's college in Cambridge; he was interested enough in politics to write *The Elements of Politics*, which is still remarkably readable and sensible; and the notes he left at his death yielded a book on the development of the major European states. He was attached to the great world by former pupils such as A. J. Balfour, and unlike many philosophers, who get stiffer and more grudging as they age, he remained able to recognize talent in his juniors to the last: He was one of Bertrand Russell's examiners when Russell was elected to a fellowship at Trinity College, Cambridge, and he thought highly of G. E. Moore's sharpness of mind.

But Sidgwick's career was not simply that of a decidedly clever philosopher. For one thing, an interesting point about Sidgwick is not so much that he was a very considerable moral philosopher, but rather that he was the first

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English thinker who actually did what any twentieth-century philosopher would recognize as "his" subject. That he could be the first professional moral philosopher was the result of many different pressures on English intellectual life.

Some idea of the extent of that departure can be formed by comparing Sidgwick with John Stuart Mill: Mill was not a professional philosopher, even if *A System of Logic* is a very professional piece of thinking. Mill was an intellectual in the European sense; his intended audience was educated opinion generally, and his aim was to capture that opinion, or as much of it as he could, for the liberal, rationalist causes he supported. The way in which Mill dealt with his philosophical opponents always makes this clear. For Mill, the defense of empiricism in philosophy and of utility in morality was a political duty, as well as a duty to intellectual order. It seemed to Mill that ever since Bentham's day there had been a battle on two fronts: The existing order, both political and intellectual, was defended by what Mill usually called the "intuitive school," and Mill's running battle with that school's chief intellectual ornament, William Whewell, covered an extraordinary range of issues, from the nature of mathematics to the relationship between Bentham's "greatest happiness" principle and everyday moral thinking.

The intuitive school seemed to Mill to elevate common sense into its own guarantee, and thus to render progress unthinkable. The school held that the aim of science and morality alike was to reach self-evident truths, either about the nature of the universe or the nature of our duties, and that these truths were more or less implicit in what we already thought. On the whole, some such intuitive theory held sway in both ancient English universities throughout the first half of the nineteenth century, and one of Schneewind's achievements is to provide a lucid account of how the universities moved away from their old allegiance to the commonplace theological utilitarianism espoused by Paley, to the intuitive doctrine that so outraged Mill. (It is only fair to say that whatever Mill thought of the conservative tendencies of the new views, he was very much more contemptuous of Paley's appeals to selfish concern with our interests in the hereafter as a ground for doing our duty here and now.) Appeals to self-evidence looked to Mill very much like appeals to existing habit—wouldn't the Siamese have thought it self-evident that water could not support an elephant and thus have disbelieved in the possibility of ice? In matters of morals, Mill simply disbelieved the intuitionists' claim that there was any such unanimity on first principles, and that what agreement there was could be readily accounted for by the rough and ready utilitarianism of common sense.

WHAT SIDGWICK WAS able to do was to bury this old battle. He was both an intuitionist (up to a point), and a utilitarian of much greater sophistication than Mill. *The Methods of Ethics* came out the year after Mill's death, but the change of intellectual climate marked a shift in the concerns of a whole generation. Sidgwick was no conservative, in politics or religion; indeed, after a great deal of soul-searching he resigned his fellowship at Trinity College in 1869, feeling that it was impossible for him honestly to subscribe to the 39 Articles as fellows were still obliged to do. (The college kept him on in a post that did not require such a subscription, and when the Test Act repealed the whole system of requiring religious orthodoxy for members of Cambridge colleges, he was promptly reelected to his old position.) But Sidgwick could write for reformers of morals and defenders of the existing order alike; not for nothing was his major work called *The Methods of Ethics*, for it was an inquiry into how rational moral argument proceeds, and not an attempt to settle exactly what we ought to do.

The centerpiece of Schneewind's account is a patient unraveling of what *The Methods of Ethics* set out to accomplish; at one level, this is easily done. Sidgwick thought that moral judgments were essentially judgments about the demands made by reason upon human desires; the word "ought," he held, referred to an unanalyzable concept, in that we can only offer synonyms for it—such as "right" or "good." But it is possible to explain what its role is, which is to make desire obey reason. The next question, plainly, is whether there are any principles that all rational persons *must* recognize as the dictates of reason. The fact that different societies have widely differing moral codes did not seem to Sidgwick to settle the question in the negative; identical fundamental principles applied in different conditions can result in very different "surface" principles. And where that does not account for the differences we actually observe, the differences in the attention that men devote to deciding what *is* the rational thing to do will account for much otherwise unexplained variation.

By patiently ruling out alternatives, Sidgwick finally arrived at what he took to be the fundamental rational axioms of morals: They covered what he termed prudence, benevolence, and justice, and were strikingly like one another in form. For in essence they all held that it was irrational to see distinctions where none exist; the prudent man treats each part of his conscious life as equally valuable, the benevolent man sees that from the point of view of the universe, his own good is no more valuable than that of anyone else, and the just man treats like cases alike. All of the axioms amount, in a way, to the claim that a certain sort of impartiality lies at the heart of being moral. This was the intuitionist side of Sidgwick's work, the search for self-evident axioms; the utilitarian strand was the argument that the ultimate good was happiness rather than virtue.

Some of the charm of *The Methods of Ethics* emerges only at the end of Schneewind's account. Sidgwick saw that the great objection to utilitarianism is that it is likely to be self-defeating. That is, we want to rely on other people to tell us the truth, but if they are utilitarians, they will tell us what they think it would do the most good for us to believe. We want other people to keep their promises to us, but if they are utilitarians all they can promise is to do what looks best, taking into account our expectations as merely one fact among many. Under these conditions, it is hard to see how any general reliance on honesty could survive, and such a loss would plainly be regretted by the utilitarian. Sidgwick's own honesty drove him to suggest that perhaps the utilitarian would be well advised to teach something other than utilitarian ethics to everyone else—which conjures up a splendid picture of a society full of closet utilitarians who desperately assure each other of their adherence to strict, Kantian norms of honesty for honesty's sake.

John Rawls's recent and deservedly famous treatise on *A Theory of Justice* has often been compared to Sidgwick's work in its scope, style, and intellectual seriousness. It is, of course, an antiutilitarian treatise, and American readers will be tantalized by Schneewind's

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enigmatic concluding suggestion that the real test of Sidgwick's work, and a test that Sidgwick would have welcomed, lies in a comparison between the utilitarian and the nonutilitarian Sidgwickian. If the author is meditating a book on Henry Sidgwick and John Rawls, he would do us all a favor by letting us see it quickly. Meanwhile, any English reader must reflect somewhat ruefully on the extent to which we are now in debt to American scholarship—to Sheldon Rothblatt's *The Revolt of the Dons* for the history of university reform and to J. B. Schneewind for this exemplary account of one result of that reform.

A SHORT HISTORY OF THE VIETNAM WAR, edited by Allan R. Millet. Foreword by Major General Edward G. Lansdale. Indiana University Press, 169 pp., $12.50.

Who is Edward G. Lansdale?

RICHARD DRINNON

A CENTURY AFTER THE Confidence Man (1857), Herman Melville's assault on a culture in which nearly everything appears as something it's not, the CIA demonstrated the timeliness of that novel in its counterinsurgency seminars. There the apprentice spook had to read David W. Maurer's *The Big Con* (1949) and learn that there was only one difference between his job and that of the confidence man: Instead of fleecing marks out of their money, he had to convince members of less opulent societies that what he wanted them to do for the good of the United States they themselves really wanted to do for their own good. By stealth and guile he had to Win Hearts And Minds, or WHAM simple natives, turning them into eager recruits for the Free World's life-and-death struggle against the Unfree.

To fit himself for this delicate undertaking, the novice could do no better, his instructor assured him, than to study the exploits of the Company's operational heroes of the 1950s, Edward Geary Lansdale in the Philippines and E. Howard Hunt in Guatemala. Unhappily for the good name of the CIA, not even these outstanding "black minds" could show the beginner how to restrict WHAM to distant client states. Willy-nilly, citizens back on the mainland had long since joined overseas natives as marks of the con that continues on down to the moment of the publication of *A Short History of Vietnam*.

In 1971 the Pentagon papers identified "Colonel" Lansdale as one of the four CIA representatives present at a 1954 meeting of the President's Special Committee on Indochina. Yet with that finally in the public record, "General" Lansdale never mentioned his work for the Company in his memoir *In the Midst of Wars* (1972), a compendium of lies that amounted to a twentieth-century version of *The Confidence Man*. Apparently assuming that their author's license to lie covered his publisher as well, Harper & Row did nothing to make readers more witting in their jacket note "About the Author" and, *caveat emptor*, indulged in this breathtakingly cynical come-on: "Now, for the first time, Lansdale himself sets the record straight." And now to have a university press playing this game suggests that the corruption has spread even to the gatekeepers of higher learning.

Indiana University Press's short nonhistory is a scissors-and-paste reprinting of 12 articles culled from the *Washington Post* by military historian Allan R. Millet of Ohio State University. Professor Millet pays fulsome tribute to Lansdale as "one of America's most knowledgeable participants in the war," and acknowledges that he was "an American intelligence officer" in the Philippines (1950–1953) and in Vietnam (1953–1956), to which he returned as an embassy officer (1965–1968). But he never comes right out with the admission that in both countries this Air Force general (retired) was a senior CIA operative whose military title has been his cover. He never apprises readers that Lansdale was immortalized as the villainous spy in the film produced and directed by Prince

CIA agent Gen. Edward G. Lansdale proved more successful in hoodwinking the U.S. public than in duping the "natives" overseas.

Norodom Sihanouk, *Shadow over Angkor*; as the ineffable Edwin B. Hillandale in William J. Lederer and Eugene Burdick's parable *The Ugly American* (1958); and as the sinister Colonel Lionel Terryman in Jean Lartéguy's novel *Yellow Fever* (1965). And he fails to mention in his puff that Lansdale was the Alden Pyle in Graham Greene's *The Quiet American* (1955).

In Greene's brilliant novel, Pyle was Lansdale's spitting image: "impregnably armoured by his good intentions and his ignorance," a covert philanthropist mobilizing a "Third Force" of indigenous nationalism, and intriguing with a terrorist general to have street bombings blamed on the Communists. He was also a secret agent for whom civilian victims were only counters in the ideological war: "When he saw a dead body he couldn't even see the wounds," so great was his essential "innocence"—an innocence "like a dumb leper who has lost his bell, wandering the world, meaning no harm." Now in Lansdale's foreword to the present book, which he titles "Thoughts about a Past War"—a "damage report," in CIA lingo—the veteran secret agent reveals himself as the unsubdued Pyle of old.

IN GRUDGING TRIBUTE TO the antiwar movement, Lansdale holds that movement to have been the principal factor in the U.S. withdrawal from Vietnam and charitably leaves open the question of whether its betrayal of America's mission was done independently of Hanoi. He also faults the war managers for not waging a "people's war" in what he terms the American style: for failing to establish an "international" tribunal of our client states to castigate "acts of aggression" from the north, for encour-

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aging the overthrow of Ngo Dinh Diem, and for failing to unmask Ho Chi Minh as a tyrant comparable to King George III and Kaiser Wilhelm. In fine, we might not have "lost" South Vietnam—the truncated country that was primarily a creation of the CIA—had we mobilized and rallied behind the agent's trusty "Third Force." And since "history tells us that there will surely be a next time," we must learn from this default of "the American genius" and must remember that "we could have been proud as a nation, have shown compassion on the helpless victims on the battlegrounds North and South. . . ."

The kernel of reality under these rapidly moving shells is less uplifting. As CIA chief of the Manila station's Office of Policy Coordination in the early 1950s, Lansdale misrepresented the peasant uprising in the Philippines as "Communist," a misrepresentation dutifully parroted here by editor Millet (for the conflicting and tenuous ties of the peasant rebels to the Communists, see Benedict J. Kerkvliet's painstaking *The Huk Rebellion* [1977]). One of the CIA "psywar operations" that helped crush the Huks gave the measure of Lansdale's "compassion" for victims. Drawing on his knowledge of the simple natives and their superstitious fear of vampires, he would send psywar squads out to ambush Huk patrols, snatch the last man, puncture his neck "vampire-fashion with two holes," hang the body upside down "until the blood drained out," and then put the emptied corpse back on the trail to scare off other insurgents—see Lansdale's own memoir for this merry tale of vamping the natives.

Lansdale's men punctured the necks of their victims and drained off the blood, vampire-style, to frighten away the Huk insurgents.

By making his man Friday, Ramón Magsaysay, president in the election of 1953, Lansdale made the Philippines into the showcase of Company colonialism. At last account members of his old "team" were doing well under the military dictatorship established in 1973, with his key psywar aide Jose Crisol, for instance, installed as Ferdinand Marcos's undersecretary of defense.

In June 1954 Lansdale led the first U.S. fighting men into Indochina as head of the Saigon Military Mission, a CIA operation to supplant the French and secure a white, Western-oriented complex. He infiltrated paramilitary teams into the north "to be in position when the Vietminh took over" under the Geneva Accords he was so energetically scuttling. His team generated refugees, tried to sabotage Hanoi's largest printing establishment, and even moved to wreck the local buses. So much for "acts of aggression" *from* the north.

In his current post-mortem, Lansdale bitterly observes that when Americans took to evacuating civilians from the countryside "as a humanitarian gesture," the enemy "promptly accused the United States of a diabolic scheme to 'urbanize' the agrarian population of Vietnam, an accusation that continues to be echoed in the postwar years." Of course such diabolic "forced-draft urbanization" was precisely what Samuel P. Huntington advocated in "The Bases of Accommodation," in *Foreign Affairs*, July 1968. Unlike General Curtis LeMay, Huntington then proposed to bomb the Vietnamese *out* of the Stone Age so that "history—drastically and brutally [sic] speeded up by the American impact—may pass the Viet Cong by." And now that Huntington has been the aide of Zbigniew Brzezinski, Carter's National Security Adviser, such leprous innocence is again close to the levers of power, again, like the secret agent, eager to prepare us for "a next time" by stressing the necessity of "activism," "involvement," and "systematic toughness" and by frenetic warnings against "self-imposed paralysis."

Before "a next time," before we go wandering off without our bells, brutally speeding up history again, we might better resist the endless deceptions that enable the Quiet Americans to see the world as made up, in Brzezinski's words, of "two overlapping global military powers pursuing conflicting global policies in a dynamic setting of Third World instability." Even after the secret agent's exploits in the Philippines and Indochina, real peoples quick with life still occupy global space between the superpowers. Getting them to further our putative interests while thinking they are furthering their own has always been our national swindle, the true Big Con. ❑

THE POETRY ANTHOLOGY, 1912–1977, edited by Daryl Hine and Joseph Parisi. Houghton Mifflin, 555 pp., $20.00 cloth, $10.95 paper.

Never outlandish

DONALD DAVIE

THIS ANTHOLOGY COMES with a fanfare; and very properly, since it is culled from what a subtitle rightly calls "Sixty-five Years of America's Most Distinguished Verse Magazine." Indeed this is too modest; for *Poetry* has been for half a century more "distinguished" (meaning, more generally esteemed by serious poets) than any other verse magazine in the English-speaking world. It is an astonishing achievement and one to be applauded—not least in the city of Chicago where the venture was first launched. It has since been sustained there, except for a few grants from cultural foundations, solely by individual philanthropy.

The trumpets are blown in an introduction by Daryl Hine, and inevitably some of the notes are too loud and too brassy for comfort, or perhaps for accuracy. Thus we are told that "there is no contemporary figure of any importance who did not publish in *Poetry*." Yet in this anthology we do not find figures of such admittedly various importance as, among Americans, Gregory Corso, Samuel Menashe, Charles Olson, Edward Dorn, John Crowe Ransom; among the English, Kingsley Amis, Laurence Binyon, Norman Cameron, D. J. Enright, Elaine Feinstein, Philip Larkin, Peter Porter, James

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Reeves, Henry Reed, C. H. Sisson; among the Irish, Austin Clarke, Padraic Colum, Seamas Heaney, Thomas Kinsella, John Montague, Richard Murphy. Dylan Thomas is here, of course, but not R. S. Thomas nor Edward Thomas, nor for that matter Wilfred Owen. Among Scots we find Sydney Goodsir Smith and Norman MacCaig and W. S. Graham, but not Hugh MacDiarmid. Above all there is no Thomas Hardy.

No doubt many of these poets, despite what Daryl Hine says, never submitted their work to *Poetry*. Others doubtless submitted work but had difficulty getting it accepted—in the 1920s this was true of no less a figure than Marianne Moore. And a little research would disclose whether (a more intriguing possibility) there are others who appeared in the magazine, but not in the anthology. One, for instance, is Edward Thomas. It is not worth belaboring the point, except to indicate that some kinds of twentieth-century verse are represented here scantily, or not at all. An anthology that excludes Hardy, MacDiarmid, and Olson; that includes "Ginsberg, Louis" but not "Ginsberg, Allen," can not be seen as representative of the whole range of serious and influential verse-writing in English in this century.

Indeed this points to one of the questions most worth asking: Has the magazine had a discernible policy; has it stood for some principles in poetry rather than others? The introduction helps here, by giving a necessarily brisk survey of the magazine's history under its successive editors: Harriet Monroe, the founder, from 1912 to 1936; Morton Dauwen Zabel in 1936/37; George Dillon from 1937 to 1942, and again from 1946 to 1949 (during the war years a number of persons acted as editors); Hayden Carruth in 1949/50; Karl Shapiro from 1950 to 1955; Henry Rago from 1955 to 1969; and finally Daryl Hine himself.

Unfortunately the account is marred by an unmistakable note of grudging hostility toward Ezra Pound, who was so influential in the earliest years. No doubt there was a case for playing down Pound's services in order to give more credit to Harriet Monroe herself, and to local advisers like Alice Corbin Henderson, but Hine's narrative goes far beyond this, leaving quite unexplained the flying start of those first eight years, by any light its most glorious period, when *Poetry* printed one after another some of the greatest poems of the century—by Yeats, Eliot, Frost, Robinson, and Pound himself (to go no further). For a brand new magazine to manage one scoop after another—and to do it not from Boston, New York, or London, but from Chicago—is surely unprecedented; and the evidence is plain from Pound's letters of those days that it was very largely his doing. (By the way, Hine says Pound "detested" Wallace Stevens's work. If this is true, we ought to have chapter and verse for it.)

As for his predecessors, Hine writes enthusiastically about the regime of Karl Shapiro, but more coolly about the 14-year reign of Henry Rago. And yet I suspect it is Rago who gave the magazine the stamp that it has today. For, yes—a discernible policy, or at least a distinct emphasis, can be detected in the magazine over the last twenty years. The absence of Corso and Allen Ginsberg, perhaps also of Olson, is not accidental; the more shaggy and outlandish, the more intransigent and disconcerting kinds of writing are not to be found in these pages. ("Outlandish" and "intransigent" are words of course that can be applied to Pound.) It's notable that such poets as Philip Levine and George Oppen, in their different ways outlandish writers, are represented here by pieces that are muted and decorous, and to that extent uncharacteristic.

Poetry has always been happier with sophisticated, fastidious, and mandarin tastes than with anything red-blooded or red-necked.

Poetry is far happier with the fastidious, the sophisticated, the mandarin, than with anything that might be thought red-blooded or red-skinned or red-necked. And this is important. For twenty years ago we heard all around us that the Whitmanesque current in American poetry, long submerged, had surfaced when William Carlos Williams applauded Allen Ginsberg, and would thereafter carry all in its wake. But there is no sign of that in these pages; *Poetry*, it seems, rode out that storm, and adjusted to it only to the extent of permitting a note of *simplesse*, that last reach of sophistication, to sound quite loudly in its more recent pages.

There are those who would regard this development very harshly, who would read the history of the magazine from 1920 onward as a protracted sell-out—a process wavering, and occasionally reversed, but in the long run moving the magazine steadily away from the challenging towards the socially acceptable: They might argue that the overt sophistication of a Henry Rago represents more of a small-town mentality than the frequently bumbling but always earnest exertions of a Harriet Monroe. I would not say that such people are wrong; for certainly Chicago has never been more of a cultural metropolis than when during the First World War the most famous living poet of the language, Yeats, could be induced to publish poems there, rather than in Dublin or London or New York.

If I do not choose to paint quite such a black and mordant picture, it is because some of *Poetry*'s mandarin poets give me a good deal of pleasure. A polished verse-essay like Howard Nemerov's "Waiting Rooms" might serve as the standard or prototype of the urbanity that has become the magazine's hallmark; rather more intense, and therefore affording a keener pleasure, are John Hollander and Turner Cassity. Better still is James Merrill, whose six poems here, dating from the 1940s through the 1970s, graph in skeletal fashion the development of a very remarkable and distinctive poet indeed. (Beyond even Merrill in sophistication is John Ashbery, in whom, however, it becomes, so far as I am concerned, arch and tiresome, merely a tease.)

From *Poetry*'s early triumphs a decline, even a steep one, was inevitable. With Henry Rago in the editor's chair, the magazine seems to have levelled out to what it is now: accomplished, still not wholly predictable, interesting, but no longer *required reading*. It still reflects credit on the city that sustains it. But its history seems to reflect a movement away from poetry as a central and irreplaceable human concern, to poetry as one of the respectable graces and embellishments of communal life.

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FILM

***THE DEER HUNTER*, directed by Michael Cimino.**

All muddled on the eastern front

STEPHEN HARVEY

SINCE THE POST-VIETNAM hangover has receded into a dull haze in the minds of most of us, moviemakers drawn to the subject have had to resort to some fairly circuitous tactics to bring it all back into sharp focus. Lately the prevailing wisdom in Hollywood seems to be that you can persuade the public to remember our grim recent history as long as you don't create guilt feelings in the bargain. If such disparate movies as *Coming Home*, *The Boys from Company C*, and *Who'll Stop the Rain* share any point in common, it's the impulse to commemorate the ordinary American citizen–turned–GI as the genuinely tragic casualty of the war. No expiation of our putative collective guilt is to be found here—the Vietnamese of both north and south are just an abstract blur, an exotic backdrop to our own suffering. Naturally, none of these movies have delved into the root-causes of the conflict—foreign policy being topic Z as far as Hollywood is concerned. The true villain in all these films is nothing more specific than the rotten karma that somehow got us into this awful mess.

By the yardsticks of money spent, running time, and the range of its ambitions, *The Deer Hunter* is the most grandiose variation yet on this familiar motif. A three-hour saga of the war's tragic impact on three Pennsylvania steeltown buddies (and, by implication, on a whole blue-collar generation), the movie doesn't indict our involvement in an unjust conflict so much as it laments that war's corrosion of our alleged innocence as a people. This rather debatable notion is encased in a film of such self-conscious complexity that one might easily mistake its confusion for many-layered insight.

The director and cowriter of *The Deer Hunter*, Michael Cimino, has taken a quantum leap from the modest aspirations of his previous directorial effort, the Clint Eastwood film *Thunderbolt and Lightfoot* of a few years back; but in the end all Cimino's effort upstages his achievements. Some virtuoso acting and the precision of his eye for atmosphere notwithstanding, Cimino's really too sophisticated for his own good; his dogged affirmation of the values of ordinary Americans get muffled by his fondness for many-faceted irony and highflown metaphor—not to mention an unwieldy plot structure and all that excess footage.

Thunderbolt and Lightfoot was one of the more baroque entries in the parade of buddy-films, and *The Deer Hunter* essentially covers the same thematic ground, amplified and allegorized on a much broader scale. Cimino's true subject is the exalted nature of male friendship, a bond that only the worst of cataclysms can shatter. The three protagonists, Mike (Robert De Niro), Nick (Christopher Walken), and Steve (John Savage) live in a world strictly segregated according to gender, both in their home territory and in the hinterlands of Vietnam. Because women are excluded from all the activities that mean anything to these men—namely drinking, hunting, and toiling in the factory—there can be no real intimacy between the sexes. Hence it's no wonder that the girl Steve marries, on the eve of the induction of the three into the service, was made pregnant by someone else, and is a vapid nonentity in any case; and the sensitive, resilient Linda (Meryl Streep) is little more than an amiable distraction for Mike and Nick while they're at home, and a snapshot talisman of the life they've left behind while they moulder in Vietnam.

The first hour or so of the film concentrates on the last day of liberty for these three before their compliant submission to the caprices of war. Contradictions abound in this self-contained society they've been raised in, and Cimino is set on capturing every nuance, even at the risk of getting bogged down in a redundancy of detail. Slogans and banners everywhere trumpet their hometown's proud Americanism, yet its inhabitants' ethnic ties are indissoluble. The town itself (actually an amalgam of eight locations scattered throughout Ohio and Pennsylvania) is mired in industrial squalor. The factory's presence is palpable everywhere, yet the gilded onion domes of the local Russian Orthodox church float above the city like an oriental mirage, and this grimy wasteland is bounded by, of all things, a majestic landscape of snow-capped spires that constitutes a nineteenth-century romantic's vision of the American paradise.

Before fulfilling their patriotic duty, Mike, Nick, and Steve, accompanied by three cronies, are compelled to take part in two sacred rites that define their place in this world: the wedding and the hunt. The first is an endless set piece in which the opulent rites of the Orthodox ceremony gradually dissolve into the inebriated chaos of the reception that follows at the local American Legion hall. The second is one of the most highfalutin episodes seen in an American movie in a long time. Mike, the most visionary of the trio, is really in his element here, communing with nature via a Hemingwayesque code of ethics that dictates that felling the beast in "one shot is what it's all about." He's not the only one enraptured with the romance of this quest, however; an awestruck Cimino captures the figure of De Niro rising tall above the lofty mists, while a surging chorus fills the soundtrack.

Even during the movie's less portentous intervals, Cimino can't resist halting for yet another moment of male epiphany, and these boozy singalongs, petty spats, and American Graffitiesque pranks quickly lose their fascination. I'm not denying the accuracy of Cimino's eye and ear for a minute, but I'm less sure of the implicit conclusion he draws from it all, which seems to be that the ideal life for the American male is to remain in an unfettered state of suspended adolescence

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—one eternal night out with the boys.

Mike, Nick, and Steve are plucked from this utopia soon enough, as the film thrusts them into the midst of combat. Soon they're ambushed and captured by the Viet Cong, whom we've just witnessed committing a few casual atrocities against the local peasantry. (For all we see, the Communists are the only ones who would ever think of committing such acts.) After business hours, the VC's chief way of relaxing is to force their prisoners to play Russian roulette (depicted repeatedly and very explicitly), under threat of a more protracted demise if they refuse. Nick and Steve crack under the strain, but Mike's coolheaded resolve and quick reflexes facilitate their escape. The three are separated by a sea of refugees and army red tape, but back in Saigon it develops that the VC's gory pastime is also the favorite of our Vietnamese allies, although here the inducement is financial gain rather than mere coercion.

It's at this point that Cimino's apparent view of things takes on a rather odious tinge. It doesn't particularly matter whether or not such games ever really took place—although those I know who were there deny it outright—but the metaphorical uses to which they're put are a bit disturbing. On both sides of the political barricades, all the orientals we see at close hand are limned as sadistic, greedy subhumans, degenerate kin to the embodiments of the Yellow Peril who slithered across our movie screens during the Second World War as part of the PR for the war in the Pacific.

Cimino's righteous xenophobia finally extends to include *all* foreigners; the only caucasian of consequence we're introduced to in Saigon is a suave pimp of a Frenchman who seduces Nick into joining the fun at the local gaming-cum-charnel house. The implicit lesson seems to be that contact with the world outside our boundaries has but two consequences: to corrupt those Americans who are weak (such as Nick) and to nauseate those who are strong (like Mike).

THE LAST THIRD OF THE film details Mike's solitary homecoming, followed by his second descent into purgatorial Asia (this time on the eve of the Communist takeover) in the vain hope of retrieving the wayward Nick. By now the audience has been so shellshocked by all those repeated ritualistic close-ups of revolvers pointed at trembling temples, that only De Niro's powers as an actor can give the denouement the intensity that's called for. He endows the title role with a dimension few other performers could have mustered, because the character's dogged devotion to his comrades is complemented by the particular sense of solitude De Niro brings to every role he plays. His pathos as an actor comes largely from that quality he radiates of living in an interior world out of sync with that of everyone else around him in the movie of the moment. At various times that invisible barrier has been shaped to connote genius (*The Last Tycoon*), egotism (*New York, New York*), highborn indolence (*1900*), or extreme alienation (*Taxi Driver*). Here it's the emblem of his enduring good sense and idealism.

Cimino has a sure instinct for exploiting De Niro's core of stillness, and some of the film's most genuinely affecting moments show De Niro emotionally and physically isolated—crouching wearily on the floor of his motel room on the night of his return, or gazing wistfully at Streep from a distance before marshaling the courage to greet her on the following morning. Both he and Cimino work hard to rein in those staccato mannerisms that sometimes obscure his innate quietness, so that when they do finally explode—during his anguished incantation while witnessing Nick's last act of self-destruction—they have the shock of catharsis.

As De Niro's physically and psychically mutilated pals, both Savage and Walken do admirable work as well, adroitly calibrating the escalation from hometown complacency to wartime pain and terror. (After a decade of his stage and screen work, it's especially nice to see that Walken has another string to his instrument besides self-absorbed languor.) However, for all the time you spend in their company, it's the pyrotechnics of their performances you're made aware of; you don't feel you've learned much about the characters themselves. Cimino appears to have strived to make Nick and Steve so typical of a particular class and era that he's neglected to give them much individual resonance. In her second screen role (she popped up briefly as a cafe-society witch in *Julia*), that prodigious stage actress Meryl Streep does wonders with her voice, evening it out and using it as an emblem of banal good cheer; yet her coolly patrician handsomeness makes her an unlikely

candidate for the sweetest little grocery store checker in Nowheresville, Pennsylvania.

Cimino's ultimate stab at irony, of course, is in the fact that the musketeers' last reunion is at a gravesite lying in the shadow of the steelworks. Although he wants to celebrate his heroes' naiveté and optimism, Cimino can't help accenting the futility of it all, in the process. *The Deer Hunter*'s final moment is as audacious in intent as it is muddled in execution: At the wake conducted at the musty local bar and grill, the boys join Linda in a quavering impromptu rendition of "God Bless America." After all that's happened, this is bound to seem an incongruous bit of gallows humor, yet these people clearly mean every syllable. Cimino's respect for them and their motives is unmistakable, and in no way to be despised. Unfortunately this doesn't add any particular depth to the scene—the warring impulses at work within him simply cancel each other out. I think the final product strays far from the film Cimino probably set out to make; in the end, *The Deer Hunter* isn't so much about the conflict that once took place in southeast Asia, as about the one still going on inside its creator's mind. ❑

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A record company for musicians!

NAT HENTOFF

IF YOU WANT TO TEST A jazz musician's range of expletives, ask him about the record companies he's been with. Since the dawn of recording, jazzmen have complained that, as exploitative as club owners are, record companies are fiendishly worse. And they've been right. With some exceptions, the small labels that specialize in jazz have often short-counted the players on royalties —when royalties were to be seen at all. I remember one musician in the 1950s saying to the head of a firm, "Don't clutter up my head with what will never be. Just pay me the 'advance,' because I need the bread right now, and that'll be the end of it."

The companies were also deficient in promotion and distribution, and, more to the basic musical point, they were given to releasing performances that the musician had not approved. And when the player left the company, for years afterwards he'd be dogged by "new" releases on that very same label of all his rejected alternate takes. It's as if a book publisher, in order to make a little extra money, were to release the awkward first draft of a novel by an author who had decamped.

When the major labels would become transiently interested in jazz, the musicians had to deal with a different set of frustrations. The advance money was better, though royalties remained mysteriously elusive. And since these were companies festooned with marketing analysts and the like, the jazzmen were pressured to make their music more "palatable"—like, how about "jazzing up" some current pop hits? And perhaps you could lay on the melody a bit more. The recordings did not sell, of course, because the basic jazz audience scorned the pandering, and the basic mass audience still heard too much jazz in the album. So the jazzmen would leave the big label and scuffle with the little firms again.

As Ornette Coleman, a true jazz original who has been expanding the language since the 1950s, has put it: "I've had a lot written about me, and I've had record companies record me, but I haven't earned anything from those records. The problem in this business is that you don't own your product. When you record, it's the record company that owns it."

In recent years, a number of musicians have started their own labels, and while they have thereby protected the integrity of their music, most have been unable to make the project work on a more than marginal level. Most musicians, after all, do not have much business acumen, and even if they did, it's hard enough to find music gigs without also having to dun distributors and to mail packages during the day.

Suddenly, startlingly, however, a new jazz label—Artists House—has emerged that appears to be the very stuff of musicians' dreams. Furthermore, the first five releases have qualified instantly as being among 1978's freshest, most absorbing, challenging, and fully realized recordings: Ornette Coleman's *Body Meta* (AH1), *Paul Desmond* (AH2), *The Thad Jones–Mel Lewis Quartet* (AH3), *Charlie Haden/Hampton Hawes* (*As Long As There's Music*) (AH4), *Red Mitchell–Jim Hall* (AH5).

The label is directed by John Snyder, originally from North Carolina, long respected on the New York jazz scene for his own regard for musicians. He served his major apprenticeship in the record business as record producer for Horizon, a subsidiary of the large, aggressively commercial A&M record company. Somehow, Snyder insulated himself—for a time—from the sales pressures of the parent label and in two years produced an extraordinarily distinguished and diversified series of jazz sets, from Paul Desmond to the Revolutionary Ensemble. The musicians were deeply involved in the whole process of production, and the albums even *looked* as if loving, knowing care had been taken with them—including uncommonly literate liner notes.

Inevitably, Snyder was fired. Why, he was asked, didn't his albums sell like those of Herb Alpert, the commercially successful trumpet player who also happened to own A&M? Same reason Irving Wallace outsells Donald Barthelme. In any case, Snyder decided to set up his own company—and do it right. To begin with, the musicians who record for Artists House own the masters of their recordings. They license them to the label, which pays them a fee per record. The licensing term is five years, but if a musician gets a better deal somewhere else, or is just dissatisfied, he may actually leave whenever he likes. Artists House has also abolished an all too common ripoff in the jazz business: At many other labels, musicians have to publish their originals with a firm controlled by the record company (more royalties for the entrepreneur). At Snyder's new company, the musicians may publish wherever they will.

A new jazz label—Artists House—appears to be the stuff musicians' dreams are made of.

In the booklets inside each Artists House album, moreover, the company offers to act as a clearing house for any job offers—clubs, clinics, concerts—for its musicians. Those booklets, by the way, contain not only information about the music but also transcriptions of some of the solos, discographies of the participants (on all labels), original artwork and photographs, and various other intelligently selected dividends for the aficionado. And the quality of engineering and pressing is nonpareil. Just as certain books

NAT HENTOFF has written widely on jazz. His most recent book on the subject is Jazz Is.

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feel good in the hand, because of the care with which they are printed and bound, so does every one of these jazz packages. (Artists House sets are available in record stores—list price, $8.98 a set—and also by mail, at $7.00, from Artists House, 40 West 37th Street, New York, NY 10018. Phone: 212-594-9435.)

OF THOSE FIRST FIVE releases, the first, the Ornette Coleman session, recorded in Paris, is a further revelation of the enormous creative energy of this nonstop melodist whose alto keeps on demonstrating what he said years ago: "Jazz should try to express more kinds of feelings than it has up to now. For instance, there are some intervals that carry the *human* quality if you play them in the right pitch. You can reach into the sound of a human voice on your horn if you're actually hearing and trying to express the warmth of a human voice." No voice in jazz is more insistently "human" than Ornette's.

Paul Desmond had different ideas for his alto, urbane yet chronically romantic, slyly witty but sometimes otherworldly in tone and feeling (the other world being that of dreams). His set, recorded in 1975 with a trio of almost eerily compatible Canadian musicians (the four sometimes seem like extensions of each other), includes one of his rueful favorites, "Darn That Dream." And one of mine, Paul's ode to Audrey Hepburn, "Audrey," conceived back in the 1950s when much seemed possible, even a thank you note from her. Which never came.

Not being an unrestrained enthusiast of the Thad Jones–Mel Lewis big band, which has had the sound of the civil service in recent years, I was especially delighted to find among these first five a Thad Jones–Mel Lewis quartet set recorded in 1977 at the Airliner Lounge in Miami. For the first time in a long while, it's possible to hear the quicksilver cornet of Thad Jones—a master of the unexpected lyrical turn—at length. And Mel Lewis ("The Tailor," musicians call him, because of the preciseness of his rhythmic fit) plays the drums here as if he were doing a soft-shoe dance. Just as impressively resourceful, though not yet nearly so well known, are bassist Rufus Reid and pianist Harold Danko. And what makes the consistent cohesiveness of the music all the more remarkable is that much of the session was totally improvised. ("We just listen to each other," explains The Tailor, "and catch things.")

The Charlie Haden–Hampton Hawes 1976 duets are among the most thoughtful and graceful series of improvisations in recorded jazz. Hawes, now dead, was a deeply swinging, fiery player with rhapsodic inclinations. Here he is more reflective, though no less intense, than usual, and interacts with Haden as if they had been playing together for many years but were still surprising each other. Haden, who has extraordinary command of his instrument, along with a huge, clear tone, "speaks" on the bass as no other jazz player of that instrument does. Perhaps because he worked so long with Ornette Coleman, Haden makes that stately instrument sound very "human" indeed.

By far the most subtly imaginative and melodically fertile guitarist in jazz is Jim Hall, and his album with Red Mitchell is another classic illustration of the potential of the jazz duet. Mitchell, long an expatriate in Scandinavia, returned to the States not long ago for musical sustenance. The set, recorded in 1978 at Sweet Basil, a small, congenial Greenwich Village club, is a continual pleasure. The two are so attuned temperamentally as well as musically that the ideas flow back and forth with astonishing, complementary swiftness, and yet the overall ambiance is one of total relaxation. And on ballads, it's as if they're actually inside each other's heads.

Not bad for the first five albums on a new label with the revolutionary notion of having the musicians in charge of the music, and then owning that music. That it all comes out so well might even encourage other companies to try the same principles for recording other kinds of musician/owners. You could call it cultural free enterprise. ❑

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LETTERS

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Indignation

I WAS SURPRISED, STARTLED, and dismayed to read the petty, petulant, self-serving propaganda piece by Edmund R. Hanauer, "Israeli Settlements" [*INQUIRY*, Oct. 30, 1978]. Hanauer's analysis is one of the most one-sided, biased presentations I have ever seen, and I am startled that your magazine ran this as a legitimate article. I would not even accept it as advertising.

I hope this is not indicative of policy of your magazine, but that in dealing with the Middle East you will continue to apply the same high standards for reporting the news that you have displayed in so many arenas thus far.

DR. S. THOMAS FRIEDMAN
Medina, Texas

Selective indignation?

YOUR BACK-TO-BACK ARTICLES on how the Israeli state violates human rights [*INQUIRY*, Oct. 30, 1978] would have been just another exercise in selective indignation, were it not for their making a perverse kind of sense. For where else in the Middle East can one talk of human rights at all? In Lebanon, where killing one's neighbors is the current national hobby? In the PLO, whose constitutional covenant has an article denying the very existence of a Jewish nationality, and whose leader, Yasir Arafat, is classified as a moderate because he would permit some Jews to remain in "liberated" Palestine, provided they would refrain from speaking Hebrew outside the synagogue and could prove that their ancestors arrived before 1880?

In Iraq, whose government exterminated the entire Kurdish nation (except for a few thousand who escaped to Israel)? In Egypt, whose "nationalization" of all property belonging to resident Greeks, Jews, and Armenians makes the Israeli government's land grab look like the work of rank amateurs? In Saudi Arabia, where slavery is sanctioned by the government, where women have the legal status of slaves, where castration of male slaves and clitoridectomy of most women is the law? Where misdemeanors are punished by public mutilation and all felonies may be punished by death, so that women have been legally murdered for running away from their fathers and husbands?

It is part of the inherent nature of states to do many nasty things, and I doubt if any reader of your magazine still imagines the Israeli state to be an exception. Yet the fact that Israel is in a state of war makes its current violations of human rights look almost perfunctory. The last time the government of the United States was in a similar position it incarcerated Japanese-Americans in concentration camps, and closed its borders to refugees trying to escape from certain death. Would it not behoove the editors of *INQUIRY* as rational people, to maintain a sane sense of proportion and scale?

ADAM V. REED
New School for Social Research
New York, N.Y.

We are well aware that Arab states violate the human rights of their citizens, both Jewish and Arab, in ways more numerous than Professor Reed had room to list. We know too that these violations, weighed on some scale of human suffering, probably exceed those committed by Israel.

Still, at a time when the status of the West Bank is a key issue in the peace negotiations between Israel and Egypt, we don't think we sinned against the laws of proportion by running an article on land confiscations in occupied territories. Though Israel's settlements policy may seem like only one of many crimes in the Middle East, it is a major obstacle on the twisted road to peace.

As David Caploe argued in his article on Camp David, there can be no just and peaceful resolution to the conflict in the Middle East without solving the problem of Palestinian Arabs. Israel's policy on settlements only compounds the difficulties of finding such a solution. In the days of euphoria that followed the Camp David accord, that's probably not what Americans wanted to hear, but it was true then, and, unhappily, remains true today.—EDITORS

Nuclear subsidies

I HAVE ENJOYED *INQUIRY*'S comments on recent U.S. Supreme Court decisions, but your emphasis on First Amendment cases has overlooked other significant decisions. Last term, the Burger Court also ruled, unanimously, that the Price-Anderson Act is constitutional.

For background, Price-Anderson sets an upper limit on the compensation for anyone injured, or whose property is damaged, by a nuclear power reactor accident. No matter how much suffering is caused, the total recovery by all injured cannot exceed $565 million. Of this, the federal government (read, taxpayers) is responsible for $500 million. This amount was set in 1957, and has not been changed in 21 years. Estimates of dollar loss from an accident are in the billions.

This is a terribly antiliberal law. No matter how many human lives are destroyed, the power companies don't have to pay. It is hardly a coincidence that every power company of which I am aware is a state-licensed monopoly. The manufacturers of nuclear reactors have been subsidized since the Manhattan Project.

It is my impression that very few banks would finance nuclear power if their investments were not insured. The power companies can either purchase insurance from private companies (which have refused to sell it, indicating the safety of nuclear plants as determined by the market, not by some bureaucracy) or they can invoke the state's power. In this case, the state privilege is operating without paying all costs imposed by the market. Exemptions from market costs are a type of subsidy that isn't usually talked about, but these subsidies produce just the same sort of malinvestment and distorted production as cash payments do.

MICHAEL FIESCHKO
Fairbanks, Alaska

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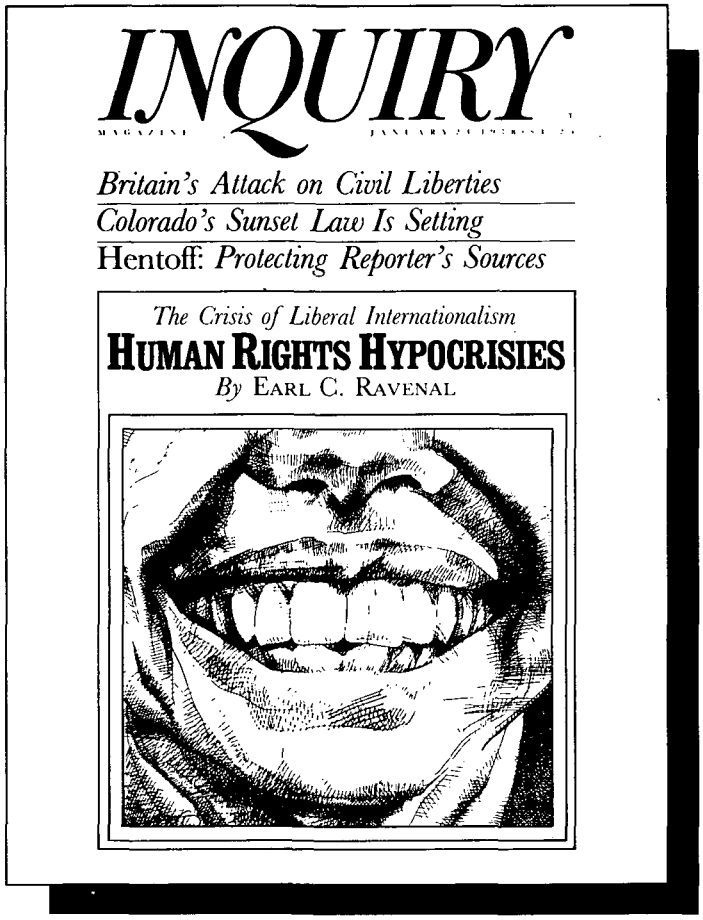

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